

THE MADRAS LEGISLATIVE COUNCIL

Friday, the 12th September 1958.

The House met in the Council Chamber, Fort St. George, at three of the clock, Mr. Chairman (THE HON. DR. P. V. CHERIAN) in the Chair.

I.—QUESTIONS AND ANSWERS.

STARRED QUESTIONS.

Superintendents in the Madras Secretariat Service.

* 16 *Q.*—DR. A. SREENIVASAN : Will the Hon. the Chief Minister be pleased to state—

(*a*) whether there is any proposal before the Government to convert the non-gazetted posts of Superintendents in the Madras Secretariat Service into Gazetted posts; and

(*b*) if so, whether there is any proposal to bring there within the purview of the Madras Public Service Commission?

THE HON. SRI R. VENKATARAMAN (on behalf of the Hon. the Chief Minister) (*a*) No, Sir.

(*b*) Does not arise.

Indigenous systems of medicine

* 17 *Q.*—SRI A. GAJAPATHY NAYAGAR : Will the Hon. the Minister for Revenue be pleased to state—

(*a*) whether and when any amount has been sanctioned by the Central Government for purposes of research in the indigenous systems of medicine in the College of Integrated Medicine;

(*b*) if so, the amounts allotted for (i) Ayurveda, (ii) Unani and (iii) Siddha; and

(*c*) the amounts spent out of the same?

THE HON. SRI M. A. MANICKAVELU : (*a*) Yes, Sir. A sum of Rs. 20,000 was sanctioned by the Government of India in February 1958.

(*b*) No separate amount has been allotted for Ayurveda, Unani and Siddha but the Government of India have granted financial assistance at the rate of Rs. 2,000 per bed for the Research Scheme.

(*c*) Rs. 724·19 till 30th June 1958.

SRI K. BALASUBRAMANYA AYYAR : We have been frequently reading in the papers that the Government of India have been giving various grants to various States in this Union. Unfortunately, why is it that we have not applied for any such

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grants from the Central Government for the encouragement of Ayurveda and for which purpose they have given grants to the Kerala State, to Rajasthan and to the West Bengal State?

THE HON. SRI M. A. MANICKAVELU : We are getting this amount from the Government of India for research work here. The number of beds allotted for Ayurveda is 10, for Siddha 30 and for Unani 10. Why we have not got more amount from the Government of India . . .

SRI K. BALASUBRAMANYA AYYAR : Have the Government applied at all for more money? That is what I want to know.

THE HON. SRI M. A. MANICKAVELU : If the hon. Member puts his suggestions concretely, then I shall be able to answer him, Sir.

SRI A. GAJAPATHY NAYAGAR : 1957-வது ஆண்டில் மத்திய சர்க்கார் இந்த ஆராய்ச்சிக்காகப் பணம் கொடுத்தார்களா ? அது செலவிடப்பட்டதா ?

THE HON. SRI M. A. MANICKAVELU : Yes, Sir. The amount was allotted for 1957–58. But, it could not be implemented in that year. It is being implemented this year and the Government of India have agreed that we could make use of that amount.

DR. A. SREENIVASAN : Is the research carried on in the College of Integrated Medicine on the indigenous basis or on the modern scientific basis?

THE HON. SRI M. A. MANICKAVELU : This research is solely on indigenous lines. I have also indicated the number of beds allotted for each branch of medicine under the indigenous system.

DR. A. SREENIVASAN : Everyone knows that there is no such thing as research in the indigenous system of medicine and it is only in the modern scientific system that experiments are being conducted and research carried on. That being so, how is it possible for anybody to carry on any research in the indigenous system, as is stated now?

THE HON. SRI M. A. MANICKAVELU : I am afraid the hon. Member is talking of his impression of by-gone days. Recently, this has been introduced and research is being carried on. It has just been started and it has begun to work.

DR. A. SREENIVASAN : There must be some basis for research. So far as the modern system of medicine is concerned, we have very well-laid principles or policies and it is, therefore, possible to conduct experiments on these lines. But, I wonder whether the Hon. Minister is aware of any such principle or basis adopted in the matter of research in the indigenous system of medicine. That is my submission, Sir.

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THE HON. SRI M. A. MANICKAVELU : Sir, our Indian system of medicine also has very well-laid principles. We have had that system in the past. But, unfortunately, it was lost. We are now trying to revive it and build it on a rational basis.

SRI A. GAJAPATHY NAYAGAR : நாட்டு வைத்திய முறைகளில் விஞ்ஞான முறைப்படியே ஆராய்ச்சி செய்ய முடியும். அது முடியும் என்பதால் தானே இப்போது இவ்வளவு பணம் நாட்டு வைத்திய முறைகளின் ஆராய்ச்சிக்காகச் செலவிடப்படுகிறது என்று கனம் அமைச்சரைக் கேட்க விரும்புகிறேன்.

THE HON. SRI M. A. MANICKAVELU : கனம் அங்கத்தினர் சொல்வது முற்றிலும் சரி. அந்த முறையில் தான் இப்போது ஆராய்ச்சிகள் நடத்தப்பட்டு வருகின்றன.

DR. A. SREENIVASAN : Sir, shall I put a separate question for information regarding the principles on which this research is going to be made?

THE HON. SRI M. A. MANICKAVELU : Sir, under this research scheme particularly, the Government of India have indicated certain diseases such as asthma, diabetes, etc., and they want to know whether the Indian medicine will be superior or at least equal to the modern medicine in combating such diseases.

DR. A. SREENIVASAN : Does it mean that they are going to do some research on the medicines or on the diseases?

THE HON. SRI M. A. MANICKAVELU : On the patients, Sir. (Laughter.)

VIDWAN T. MUTHUKANNAPPAN : இந்திய வைத்தியத்தில் புற்று நோய்க்குச் சிறந்த பரிகாரம் இருப்பதாகத் தெரிகிறது. இந்த ஆராய்ச்சியில் அதுவும் சேர்க்கப்பட்டிருக்கிறதா ? இல்லையானால், இனிமேல் அதுவும் சேர்த்துக்கொள்ளப்படுமா ?

THE HON. SRI M. A. MANICKAVELU : இப்போது நான் குறிப்பிட்ட வியாதிகளில் அது இல்லை. இனிமேல் அதையும் சேர்த்துக்கொள்ளலாம்.

SRI MOHAMED RAZA KHAN : While carrying on research on patients, suppose something happens to them. Will the Government of Madras be prepared to compensate the survivors? (Laughter.)

THE HON. SRI M. A. MANICKAVELU : Our system is such that nothing untoward will happen. (Prolonged laughter.)

Vaigai Project

* 18 *Q.*—SRI T. PURUSHOTHAM : Will the Hon. the Minister for Public Works be pleased to state—

(*a*) whether it is a fact that a workman died of an epidemic disease in Vaigai Project site towards the end of January 1958;

(b) the steps taken to protect workmen from attacks of cholera, smallpox, etc., in such project camps; and

(c) the arrangements made for treating emergent cases of epidemic in camp sites?

THE HON. SRI P. KAKKAN : (a) to (c) The attention of the Member is invited to the paper [a] laid on the table of the House.

SRI T. PURUSHOTHAM : Am I right in presuming that all these public health arrangements are made in the case of all the projects in the State?

THE HON. SRI P. KAKKAN : Yes, Sir.

SRI T. PURUSHOTHAM : May I know whether there is an infectious shed—isolation shed—in the Vaigai Project camp with regard to which this question has been asked?

THE HON. SRI P. KAKKAN : Yes, there is a shed, Sir.

Medical concessions to non-gazetted officers

* 19 Q.—SRI M. ETHIRAJALU : Will the Hon. the Minister for Revenue be pleased to state the amount spent towards the medical concessions given to the non-gazetted officers of this State during the years 1956–57 and 1957–58?

THE HON. SRI M. A. MANICKAVELU : The labour and time involved in the collection of the particulars required will not be commensurate with the public interest to be served.

SRI T. P. SRINIVASAVARADAN : May I know whether it is a fact that these concessions are not allowed in the case of costly medicines? We are told that at present, only in the case of ordinary cheap medicines, these concessions are given to the non-gazetted Government servants and that in the case of costly medicines, they are asked to purchase them outside. Is it a fact?

THE HON. SRI M. A. MANICKAVELU : Probably, if the medicine is very costly.

SRI M. ETHIRAJALU : தாற்காலிகமாக 10 (a) (i)-ல் வேலை பார்ப்பவர்களுக்கும் அவர்களுடைய குடும்பத்தாருக்கும் இந்தச் சலுகை கொடுக்கப்படுகிறதா ?

THE HON. SRI M. A. MANICKAVELU : இதற்குப் பதில் சொல்வதற்கு ' நோட்டீஸ் ' வேண்டும்.

Sea erosion in Rayapuram and Kasimode

* 20 Q.—SRI V. V. RAMASWAMI : Will the Hon. the Minister for Public Works be pleased to state—

(a) whether there is any proposal before the Government to prevent sea erosion in Rayapuram and Kasimode in North Madras; and

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[a] Printed as Appendix I on pages 230–231 infra.

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(*b*) if so, the stage at which the matter now stands?

THE HON. SRI P. KAKKAN : (*a*) Yes, Sir. The Government have sanctioned the construction of a seawall at a cost of Rs. 17 lakhs.

(*b*) Technical details are being worked out and the work will be taken up for execution as soon as these details are finalized.

VIDWAN T. MUTHUKANNAPPAN : கடல் அரிப்பால் (ஸீ எரோஷன்) பாதிக்கப்பட்ட மீனவர் குடும்பங்கள் எத்தனை என்று கனம் அமைச்சர் தெரிவிப்பாரா ?

THE HON. SRI P. KAKKAN : இதற்குத் தனிக் கேள்வி போட்டால் பதில் சொல்கிறேன்.

SRI V. V. RAMASWAMI : இது சம்பந்தமான திட்டத்திற்காகக் கார்ப்பொரேஷனுக்கு சர்க்கார் 5 லட்சம் ரூபாய் கடன் கொடுத்திருப்பதாகப் பத்திரிகையில் செய்தி வந்திருக்கிறது. அவ்வாறு கார்ப்பொரேஷனுக்குக் கடன் கொடுக்கப்பட்டிருக்கிறதா ? கார்ப்பொரேஷன் அந்தப் பணத்தைச் செலவழித்து ஏதாவது காரியம் செய்திருக்கிறார்களா ?

THE HON. SRI P. KAKKAN : கார்ப்பொரேஷனுக்குப் பணம் கொடுக்க ஏற்பாடு செய்திருக்கிறோம். ஆனால், எஞ்சினியர்கள் நன்றாகக் கவனித்தே வேலையை எடுத்துக் கொள்ள இருப்பதால், திட்டம் இன்னும் துவக்கப்படவில்லை.

MR. CHAIRMAN : Questions are over.

[*Note*.—An asterisk(*) at the commencement of a speech indicates revision by the Member.]

II.—ANNOUNCEMENT BY THE HON. CHAIRMAN *RE* MESSAGE FROM THE GOVERNOR.

MR. CHAIRMAN : I have to announce to the House that I have received the following message, dated 30th August 1958, from the Governor of Madras :— 3-10 p.m.

'In pursuance of Article 207, clause (3), of the Constitution of India, I, Bisnuram Medhi, Governor of Madras, hereby recommend to the Madras Legislative Council the consideration of the Madras District Development Councils Bill, 1958, as passed by the Madras Legislative Assembly.'

III.—GOVERNMENT BILL.

THE MADRAS DISTRICT DEVELOPMENT COUNCILS BILL, 1958 (L.A. BILL NO. 24 OF 1958).

* THE HON. SRIMATHI LOURDHAMMAL SIMON : Mr. Chairman, I move—

"That the Madras District Development Councils Bill[a], 1958 (L.A. Bill No. 24 of 1958), as passed by the Legislative Assembly, be taken into consideration."

Hon. Members are aware that one of the proposals in the "White Paper on the Reform of Local Administration" in this State placed before this House in October last is to delimit the existing 12 revenue districts other than Madras in the State into

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a Printed as Appendix II on pages 231–237 infra.

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21 Development districts at the rate of two for each district except Chingleput, Nilgiris and Kanyakumari districts on the basis indicated in the annexure to Section III of the White Paper and to constitute a District Development Council for each such district as the permanent machinery for establishing advisory association of the elected representatives of the local people with the departmental agencies of the State Government.

The composition of the District Development Council will be almost the same as the present District Planning Board. Its functions will be purely advisory in character. It is proposed to abolish certain advisory bodies including District Planning Boards now functioning in the districts and to transfer all their functions to the District Development Council. The District Development Council will be assisted in its work by a number of Standing Committees.

The Legislature Committee on Local Administraiion, which consists of Members of this House as well as the other House. scrutinized in detail the proposals in the White Paper and agreed on almost all matters referred to in the White Paper except in regard to the Chairmen of the Standing Committees. In respect of this matter there was no specific proposal in the White Paper and the Legislature Committee recommended that Standing Committees should be presided over by non-official members.

A draft Bill embodying the decisions of the Legislature Committee was placed before it for consideration. At this stage, it made certain other recommendations which were also embodied in the Bill, as published.

The question has been raised why the District Development Council is proposed to be constituted as an advisory body only and not as an administrative authority like the district board. This question had been very carefully considered by the Legislature Committee and by the Government. They came to the conclusion that it whould not be possible or satisfactory to distribute administrative functions at three different levels—one at the village level ; one at the block level : and one again at the district level. Therefore all these administrative duties and powers which can be appropriately devolved have been entrusted either to Panchayat Union Councils or to Panchayats. It is not possible te entrust administrative functions to the District Development Council without taking them away from the Panchayat Union Councils and without also creating a cumbrous arrangement of three different authorities functioning in the same district.

The fact that the functions of the District Development Council are described as advisory does not, in any way, detract from their importance. It is intended that the activities of a l the local authorities who will be functioning in the district as well as of all the departmental agencies concerned with developmental work in

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the district should be brought effectively under the review of these Councils and that both the Governmental agencies and the local authorities should benefit by pooling information and experience in the Council and devising practical methods of removing difficulties and maintaining co-ordination.

The question has also been raised whether the Chairman of the District Development Council should not be an elected non-official instead of the District Collector. This is an issue on which different views can, no doubt, be held.. The Legislature Committee was particularly concerned with examining this question in all its aspects. It came to the conclusion that the arrangement proposed was the only satisfactory course from two points of view—

Firstly : The work of the District Development Council will not bear fruit unless the different departments concerned and the local authorities give careful consideration to its advice and act upon it, unless there are good reasons to the contrary. The District Collector alone is in the best position to follow up the proceedings of the Council so as to secure this result.

Secondly : It is extremely important for the proper functioning of the Council that its members should not be divided on political party grounds within it. The avoidance of contests inherent in the election of a Chairman will help to secure this result.

The important amendment made by the Legislative Assembly to the Bill is that the Presidents of Co-operative Central Banks in the district have been included as members of District Development Councils.

DR. A. LAKSHMANASWAMI MUDALIAR : Mr. Chairman, this Bill is not as simple as some hon. Members have tried to make it out to be. Fundamental issues are involved in this Bill which, I think, require very serious consideration at the hands of legislators. I am sorry and I consider it my misfortune—not my fault—that I have radically to differ from the Legislature Committee which was set up to consider the various aspects of local self-Government. If any of my remarks appear to be more or less at variance with the decisions of my colleagues who sat on the Committee, I would only say that I am sorry for it. I cannot help placing my views very strongly before this House, whatever may be their ultimate fate. Secondly, I am sorry that, on the first occasion when the Hon. Lady Minister introduces a Bill of this kind, it should be necessary for me to subject it to somewhat severe criticism. But when I do so, I do it with the full conviction that thereby I shall be placing before the House certain important facts for its serious consideration.

This Bill refers to two other Bills that are to come up before the House at a future date. I am not concerned with the legal quibbles involved and these seem to have been satisfactorily settled in another place. But I do feel that any reference in this Bill to the powers mentioned in the Bills that may come up later is not

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only *ultra vires* but is certainly prejudicial to the very consideration of those Bills when they are taken up here. It is an unfortunate precedent and I cannot help saying that the proper course for the Government would have been to introduce first those two Bills and get them passes and then to bring in this Bill. After all, in my opinion, this Bill is not so urgent ; Iwould even go futher and say that it is not necessary. My statement that it is not necessary will meet with very little support in this House but, fortunately for me, I have the support of theHon. the Leader of the other House, who is not here at present. If I am permitted to quote what he said, I shall do so in order to justify the attitude I am taking that this particular measure is wholly unnecessary.

The Hon. Sri C. Subramaniam commenting on the Bill said—

" The Committee decided that the powers of local development should be vested at two levels, viz., the panchayat unions and the panchayat union councils. After having given to these two bodies all the powers that should be shared, what more was left to be given to the third body: viz., District Development Councils ! "

I fully agree with the statement of the Hon. the Leader of the other House and I, therefore, question the necessity for the District Development Councils. From the statement of the Hon. Mr. Subramaniam it is clear the the creation of these bodies is not at all justified.

Now, from another point of view, I should like to raise an important question. When committees are formed or councils are formed, Members may be asked to serve on these bodies. Generally, we have been shown the courtesy of being asked whether we are willing to serve on the Conucil or the committee . That is an invariable rule. But here, on the other hand, a law is to be passed whereby all Members of the Legislature are attached to one or other of the District Councils , in what way, I shall refer to later. Even granting that the Members of the Legislature by passing this Bill give their approval to such assignment it can only be in respect of the Members of the Legislative Assembly and the
3-20 p.m. Legislative Council. I ask what right this Government have got to suggest that Members of Parliament also should be members of these District Development Council, without taking their consent. Have the Government consulted the Members of Parliament and have they agreed to serve on these District Development Councils? The Councils are to meet for various purposes at frequent intervals. The Members of Parliament who spend seven or eight months in Delhi cannot possibly attend these meetings and it may justly be made a grievance against them that they have not attended the meetings of the Councils and, therefore, are not taking interest in the development of the districts. Hen. Members on the Treasury Bench may say, ' It is for them to attend or not. There is no compulsion.' But the indirect effect of that will be that the Members of Parliament will stand discredited in the constituency

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by failing to attend the so-called meetings of the District Development Councils. Therefore, a certain amount of friction arises for them in their own constituencies. Have the Government considered these aspects? Have the Government any right whatever to say by law that the Members of Parliament shall be members of these District Development Councils?

I will come to the other points later on. But it seems to me that we must know what our limitations are, what our duties are, to what extent we can go and where we should refrain from entrenching on those powers which we do not possess. Simply because there is a majority behind them to give them guidance, they should not pass such enactments.

Let me now come to the other points. So far as the composition of the Councils is concerned, it has been stated that the District Collector will be the *ex officio* Chairman of the Council. Members of Parliament, Members of the Legislature representing the various constituencies, and the Presidents of Panchayat Unions will be the Members of the Council and the District Collector shall be the *ex officio* Chairman of such a Council. I want to ask the Hon. the Leader of the House whether he can quote any instance from any democratic assembly in any country in the world where the servant of the Crown is the Chairman and the Members of Parliament sit under his auspices. If so, I can understand. To my mind such an anathema does not arise at all. More than that, the Chairman, if he is not present, can nominate somebody else so that you may have a succession of people nominated. Let me not be understood as in any way minimising the importance of the Collector or the responsibilities which he has stoutly to bear in these difficult democratic days. First of all, I do not think I shall be exaggerating when I say that at present our Collectors have little experience in the administration of their districts. There were days prior to 1920—and my esteemed Friend Dr. Mahomed Usman will hear me out—when no officer of the Indian Civil Service would be allowed to become a Collector unless he had about 16 to 17 years of service and experience. Today we have Indian Administrative Service Officers with hardly six or seven years' experience and it is these people that we want to make Chairmen under whose feet the Members of Parliament and the Members of the Legislature will learn how to conduct their business. Apart from that, I have seen, going round as I do necessarily in my other capacity the various districts, that the Collectors are changed twice or thrice in the year. Certainly, a majority of them have been transferred from district to district. What experience can they have, what knowledge can they have of the developments necessary in the areas they serve? And yet the Government want to make them Chairmen of these Councils because they imagine that they are the people who can deliver the goods.

Now, Sir, I put the other suggestion to the Government for serious consideration even at this stage. Why not the Ministers preside over the Development Councils? There are 21 District

Councils and the eight Ministers can certainly share. If I were given the privilege for one moment, not that I wish to have the privilege, I would suggest that the Hon. the Health Minister may preside over the Councils of North Arcot and South Arcot districts, the Hon. the Minister for Local Self-Government may preside over the Councils in Nagercoil and Kanyakumari. Definitely the Hon. Minister over there (pointing to the Hon. Sri Ramaiah) may preside over the Councils in Madurai and Tanjore. Let me not be too impertinent with their dispositions of different districts. But I think there will be no difficulty in a Minister presiding over these Councils. Am I to understand that the Ministers' time will be wasted if four times in a year or even oftener they preside over these Councils?

SRI MOHAMED RAZA KHAN: What about their tours? They tour oftener.

DR. A. LAKSHMANASWAMI MUDALIAR: My hon. Friend has given the answer he intended to give. If he had waited, I could have given the answer in a simpler manner. I have been perusing the tour programmes of Ministers for the last one year. There is no district that has been so unfortunate as not to have received them at least three times during the year. When this is the case, certainly Ministers will not find it difficult to tour districts and preside over these meetings making the meetings coincide with their tours. I am not saying anything about the tours. My only point is that this will not be an additional burden to them. On the other hand, if the Hon. Ministers preside over these meetings, there will be more speedy disposal of many things. And, Sir, after all, what are these Councils? They are to serve the whole field of development in a microscopic manner. I will come to the functions later on and you will see how grand these functions are that are supposed to be given to the District Development Councils, a name which certainly does not bear any relation to the characteristics accepted of such Councils. Let me say this from the point of view of the administrative aspect. It would be far better if the Collector were to convene the meetings and act as the Secretary to the Council and the Ministers were to preside over the meetings. I am not in favour of forcing an elected Member as Chairman of the District Development Council. Somehow or other, the Treasury Bench has a sort of intuitive abhorrence to such an idea although they say that they are the Democrat of Democrats. So long as they possess such feelings, I am not willing to force such an issue. But I do feel that the Collectors will perform the functions much better if they confine themselves to convening the meetings and carrying out such other things as may devolve on them.

Sir, now let me come to the functions of the District Development Councils. They are to advise the Government on all matters concerning the activities of the panchayats and the panchayat unions and municipal councils, a very great source of irritation. If my hon. Friends who are returned to the Legislature want to forfeit their places at the next elections, I would ask them to be on the

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Development Councils and concern themselves with the activities of the panchayats and the panchayat unions. The Government wanted to see that the panchayats and the panchayat unions filled the whole of the local self-government with glory and they now want to superimpose another body which will concern itself with the activities of those self-governing bodies. What is the meaning of the expression 'all the activities concerned'? Does that mean that they must go and interfere with the records of the panchayats and the panchayat unions and tell them that they are wrong here and wrong there? Will we all survive if somebody were to come every two months to find out whether we are doing our work rightly or wrongly? The whole thing is a misconception of the proper sphere of local self-government to the different authorities that are to be entrusted with the task. I am not going to speak about the fundamental proposal of the reform of local self-government. That will come when we discuss the question of constitution of panchayats and panchayat unions. Then, the other function is to advise the Government on matters relating to the services maintained and all development schemes undertaken by all local authorities in the district as well as those agencies in the district which are under the administrative control of the Government. To what extent they will be in a position to advise is more than what I can say. How are they to get all the information? Will all the proceedings of the panchayats and the municipal councils be placed before them and are they going to fish out information from other sources as they want and then say that these bodies have not been or have been functioning properly? I think the whole concept is misconceived and one body is set against another as though that body requires the constant pinpricks to be given. Then, Sir, I was delighted to see that there were certain functions definitely given to the Development Councils and that is undoubtedly a great thing for us. The Councils are to classify markets as panchayat markets and union markets. This is an impossible task. Then, there is the function of fixing the rate of contribution by one authority to another. Can a District Council get into a worse mess than this fixing of rates of contribution by one authority to the other? This will set all the rest against the Development Council. Then, again, they can classify fairs and festivals. This is a very grand function indeed. Lastly, they can classify public roads except roads classified by the Government as National Highways, State Highways and major district roads—these are eliminated from the purview of the District Development Council—as panchayat union roads, village roads, bylanes and bypaths. What a parade of functions all these are! If anybody reads this enactment and sees what a District Development Council is, what will be his impression about the work of the legislators who are serving on these bodies? Is that the correct method of appreciation of the situation? Why should they be asked to do these things? An upper division clerk can do them much better than the District Development Councils. I am sorry to have to say that in such strong terms. But I do feel that this is a complete misunderstanding of what the District Development Council should really do.

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Then, again, the District Council can advise the Government on all matters relating to development of road transport. I do not know what this means. Of course, it is only an advice. It is true, but it will be of no practical use. I do not know what the significance of this is.

I have referred to the fact that the Collector is to be the Chairman. I do not want, as I said already, any misunderstanding to be there as to why I object to the Collector being the Chairman. I have said that in the present set-up the Collector has got a large number of duties to perform. Fortunately, he has been given the power to nominate somebody else to preside at a meeting of the District Council. Naturally, the Collector may be sometimes very busy. Particularly, if a Minister should go over there, he will be very busy. At that time, probably the meeting might have been convened. In such a case, he might ask the Deputy Collector to preside at the meeting. He will find it necessary very often to delegate his powers to somebody else. But as I said, this is not the correct way of proceeding with the matter if the Development Councils are to function properly.

Then, Sir, I come to the important question of appointment of Standing Committees. The Council has to obey the orders of the Government, discharge such duties and perform such functions as may be specified by the Government. I thought that this sort of thing was long past and that the State had to repose a little more of trust and responsibility in these bodies. Even in regard to Standing Committees, the Councils have to be directed by the Government to constitute committees on certain subjects. The strange thing is that while the Government can nominate the same person—it must be remembered that he should be an official—if he is a non-official, then the same person cannot be nominated to more than one standing committee. While the Government can nominate the same person among the Gazetted Officers to more than one standing committee, the Members of Parliament and the Members of the Legislature shall not be members of more than one standing committee. If you are a member of more than one standing committee, then the whole of the Development Council will collapse! (Interruption.) The hon. Member can handle more subjects. As for myself, I plead guilty that I cannot handle both Education and Health. There must be two people. But the Gazetted Officer can handle these and more. He can handle the work of all the Standing Committees from Co-operation right up to Agriculture. That is one lesson that we have got to learn from this Bill which has been placed before this Council.

Then, Sir, I come to the question of the staff of the District Development Council. Even there, it is only the District Collector that is given all the powers to appoint such officers as he may think fit and determine their functions. He need not even consult the Council. There are much bigger bodies and persons occupying much bigger positions who have to consult particular bodies.

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But this being a body consisting only of legislators and Members of the Lok Sabha and the Rajya Sabha, the Collector is quite competent to decide what he wants. Let not these members come and interfere with his discretion. Let them not allow all patronage to be exercised by the Collector. The whole motive behind this is one of distrust of the members. Whether it is justified or not I am not here to say.

Sir, the general powers of the District Development Council appear to be a mere camouflage. Every District Development Council may, within the limits of its jurisdiction, undertake such measures as it deems necessary. We do not know what those measures are. Then, it can collect such data as it deems necessary. Through what machinery? Is it through the Collector? Very often we hear Ministers saying that the time is not propitious, that it will take a long time and that it is not worth the trouble to collect the data. I do not blame them, but that is the same answer that has come from the days of the Minto-Morley Reforms, and we have not forgotten that.

THE HON. SRI R. VENKATARAMAN : That is the parlimentary tradition.

DR. A. LAKSHMANASWAMI MUDALIAR : I am glad to hear that beautiful phrase.

What I want to say is this. If the municipal council does not furnish the information, what is to happen? Sometimes, the Council has to get information from the panchayats. If the municipal council twists its finger, are the Government going to interfere? Will the panchayat or the municipal council be superseded? I do not know which of them will be superseded. It is a matter of collecting information. There is no different machinery which can satisfactorily get this information except by a certain amount of negotiation and a certain amount of confidence being inspired and by a certain amount of mutual co-operation.

Then, the District Development Council is asked to furnish an annual report giving a true account of its activities. Why a 'true' account? Can it furnish a false account of its activities? Are the reports emanating from these sources which we are getting false reports? Why is there the emphasis on 'true'? We generally feel as in courts that we will speak the truth, the whole truth and nothing but the truth, and the Development Councils must also be given the privilege of asserting, at any rate, that they will speak the truth, the whole truth and nothing but the truth. Such an attitude of suspicion is hardly desirable when we are going to settle what is a question of development. The whole of this Bill is reminiscent of the old district board of the Minto-Morley days, when the Collector was the President and the other Members used to sit down there, get up and refuse to sit down even after the Collector had sat down and whenever any question was put, members used to say 'Kankara Sami'. 'Kankara' means 'I

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concur '. The rest of it I leave it to Sri P. T. Rajan to say. But it is a fact. That was the way in which the district board administration was carried on and I cannot help feeling that this District Development Council is gradually tending to the another replica of the old district board with little of the powers and less of consequences for anybody else. It is, I think, a great injustice to constitute such Councils and make Members of Parliament and even more, Members of the Legislature *ex officio* members thereof. If there are Councils constituted and the Government request any particular Member to serve on them, then it is quite a different thing. He does not go there, although he is a Member of the Legislature, in that *ex officio* capacity in which everybody is asked to go and serve as a member of the District Council. All that I can say, Mr. Chairman, is—I do not want to be very critical, but unfortunately in a case like this I cannot help pleading—that we are going on the wrong lines in regard to local self-government, firstly in the procedure, secondly in the manner in which we want to constitute these bodies, and thirdly in the functions that we are going to delegate to them. Unfortunately, in all these matters the District Development Council is a name but in actuality it is a shadow and I believe that we shall be adopting a shadow if we pass this Bill.

* SRI T. PURUSHOTHAM : Mr. Chairman, Sir, I entirely agree with most of the remarks made by the hon. the Leader of the Opposition. I do feel that there is no need for this legislation. The proposed constitution of the District Development Councils is a part of the scheme for the abolition of the district boards and I expressed my strong views when I spoke on the White Paper on the Reform of Local Administration that the abolition of the district boards should be considered twice before we did so.

The Legislature has not yet given its verdict on that question. If at all this Bill should come, it should be after the Panchayat Reform Bill. This is not the stage, at any rate, when this Bill should have been placed before the Legislature. Personally, Sir, I feel that the district boards should not be abolished. The district boards have done very good work but we have come here to bury
3-40 p.m. Caesar and I think I am not right if I start praising the work of the district boards. A non-official body like the district board at the district level is absolutely necessary. Whereas the Collector is the official head of the district, the President of the district board occupied a pre-eminent position as the non-official head of the district. The District Development Council is a poor substitute for the district board. If, as has been pointed out by the hon. the Leader of the Opposition, all the work of the district board is to be transferred to the panchayat and panchayat council, then there is no need for any District Development Council at all. I felt that the abolition of the district board was originally proposed because of the unwieldy size of the district boards. But we find

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that there are proposals under the consideration of the Government for the bifurcation of Revenue districts and we could as well wait for that experiment to go through before we take up a matter like this. There is absolutely no hurry for a measure of this kind because we have even now District Advisory Councils functioning at the district level. After the Legislature decides finally about the issue of district boards and seeing the shape in which the Panchayat Reforms Bill emerges from the Legislature, this Bill could have been taken up.

Sir, I do not, for a moment, belittle the importance of a co-ordinating council at the district level. But it should be of a better pattern than what has been proposed here. I have always felt that the different departments of Government should not function as water-tight compartments but that there should be opportunities for the District Officers to meet together and that they should also meet non-official representatives of the district for the satisfactory working of the district administration in all its departments. I entirely agree with the hon. the Leader of the Opposition that it is most undesirable that the Collector should be made the Chairman of this body. This is, as he said, a replica of the old district boards and nothing else. When the Collector was the President of the District Board, there was no power worth the name for the members of the then district boards.

A statutory body like this should have more statutory powers at least with regard to giving its sanction or ratification about the scale of establishment for these District Development Councils. But all executive power is centered in the Collector of the district.

Sir, I do not wish to speak at length about the provisions of the Bill as the Bill, I believe, will go through in spite of what I might say. (Interruption.) I do not know whether I am going to support the Bill or not unless I hear what the Government are going to say about the various points raised.

I would request the Government to put off this Bill for the present. As I said, there is no hurry for it and the Panchayat Bill is to come up towards the end of this month. Let us see the shape of the Panchayat Bill, how it emerges from the other House and how we are going to pass it through and then let us take up this Bill. If, however, these District Development Councils are to be formed on this pattern, I would also propose that there should be a statutory Development Board at the State level. We are now having an advisory body called the State Development Council. But I feel that there should be a State Development Board formed on a statutory basis, with heads of departments thereon and a few non-official representatives of these District Development Councils to be elected thereto. A reform like that should be welcomed.

Sir, when these District Development Councils are formed, it is proposed to abolish certain advisory bodies including the District Planning Boards now functioning in the districts and transfer

all their functions to the District Development Councils. What these advisory bodies are, it has not been stated. Not some, Sir, but most of the advisory bodies that are now functioning at the district level should be abolished. I would invite the attention of hon. Members and also the Government, in this connection, to the question I put as early as 1956—Question No. 49, dated 9th March 1956—asking for information as to the number and names of departmental advisory councils then functioning at the district level. A statement was placed before the House and the list consisted of hundred and odd advisory committees and boards which were functioning at the district level. The Government should review this list and abolish most of them and transfer the work most of these committees to the Development Councils, if they are to do any useful work at all. I wish the Government would consider, as I said, some of the aspects so ably put forward by the hon. the Leader of the Opposition and agree that this Bill be taken up after the Panchayat Bill comes up. As I already said, there is no hurry for this Bill. District boards are not functioning. Panchayats have started work and more panchayats are being constituted and we are having a District Advisory Committee on the same pattern as is envisaged in this Bill.

SRI MOHAMED RAZA KHAN : What are the functions of the District Advisory Committee?

* SRI T. PURUSHOTHAM : Mostly functions connected with the work of the district boards. It is called the District Board Advisory Council.

SRI MOHAMED RAZA KHAN : Who presides?

* SRI T. PURUSHOTHAM : The Collector presides.

So, there is no hurry for a measure of this kind. Let us take it up after the Panchayat Bill.

DR. A. LAKSHMANASWAMI MUDALIAR : May I have the permission of the Chair to move under rule 128 that this Bill be referred to a Committee of this House for consideration and report? The rule says—

3-50 p.m. "128. Any member may (if the Bill has not already been referred to a Select Committee of the Assembly or to a joint committee of both Houses, but not otherwise) move as an amendment that the Bill be referred to a Select Committee, and if such motion is carried, the Bill shall be referred to a Select Committee and the rules regarding Select Committees on Bills originating in the Council shall then apply."

I do not want to make any speech, Sir. I think that after the speech of an hon. Member behind the Treasury Bench, I stand vindicated in all the remarks that I have made and I feel that I

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am justified in requesting that the Treasury Bench may consider this proposition in the light of what has been said in regard to a very important question being debated after proper and due consideration of all its aspects. I move—

'That the Madras District Development Councils Bill, 1958 (L.A. Bill No. 24 of 1958), be referred to a Select Committee.'

MR. CHAIRMAN : If an amendment is to be moved, I must get sufficient notice of that.

SRI MOHAMED RAZA KHAN : With the permission of the Chair, I submit that the Hon. Chairman can give permission in his discretion.

THE HON. SRI R. VENKATARAMAN : Mr. Chairman, may I suggest that instead of going into technicalities, you may allow the motion and the amendment of Dr. Lakshmanaswami Mudaliar?

MR. CHAIRMAN : I have considered the suggestion. I waive notice of the amendment. The discussion may go on on the motion as well as the amendment.

(The amendment was duly seconded.)

SRI K. BALASUBRAMANYA AYYAR : Mr. Chairman, I do not want to add to what has already been stated by the hon. the Leader of the Opposition and also by Sri T. Purushotham of the Treasury Bench.

THE HON. SRI R. VENKATARAMAN : Mr. Chairman, the expression 'Treasury Bench' is technically incorrect. The correct expression would be "Member behind the Treasury Bench".

SRI K. BALASUBRAMANYA AYYAR : That is all right, Sir. I am almost surprised that this Bill has been brought before this House at this juncture. Why not it be brought here after the Panchayat Bill is passed? It would be better if this is taken up after the Panchayat Bill is fully considered. We must know what the powers of the panchayat unions and the various other bodies are? What are their functions? All these are now absolutely vague and indefinite in this Bill. There is a beautiful clause dealing with the explanation for 'residence'. I hall read that clause. It says—

"A person is deemed to have his 'residence' or to 'reside' in any house if he sometimes uses any portion thereof as a sleeping apartment, and a person is not deemed to cease to reside in any such house merely because he is absent from it or has elsewhere another dwelling in which he resides, if he is at liberty to return to such house at any time and has not abandoned his intention of returning;"

I do not understand what exactly is meant by the words "sometime uses any portion thereof as a sleeping apartment".

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SRI M. SESHACHARIAR : It is based on the decision of the High Court.

SRI K. BALASUBRAMANYA AYYAR : Let it be. He should at least reside in the district. Why should he absent from the 'district'? I cannot understand it. It may be a technical phraseology for the purpose of deciding the question of 'residence'. In sub-clause (4) 'residence' has been defined so as to make persons eligible to become members of the Council without doing any work.

SRI V. K. PALANISWAMY GOUNDER : The term is found in the Municipalities Act, the Corporation Act and also in the District Boards Act.

THE HON. SRI R. VENKATARAMAN : So, it is not as ridiculous as made out.

SRI K. BALASUBRAMANYA AYYAR : I did not mean ridiculously about it. I said only that it became so with regard to the functions of the District Development Councils. The members of the Council would be doing nothing but to sleep.

SRI A. GAJAPATHY NAYAGAR : You are sleeping over the clause.

SRI K. BALASUBRAMANYA AYYAR : Which you have already begun. (Laughter.) A clear definition is absolutely necessary because we are dealing with people who are advisers and these advisers are selected from the ranks of Members of Parliament and Members of the State Legislature. Therefore, they are the persons who should be fully acquainted with the conditions of the district. It is not enough if they have sleeping accommodation in the district. They must reside there. The provision may be for the purpose of including a member in the Council for the purpose of advising. I am saying all these things, because the whole thing has to be referred to a Select Committee. Let the Committee examine the entire aspect of the matter and decide why a member need not actually reside in the district instead of having merely a sleeping apartment.

The other thing that I want to speak about is the appointment of Members of Parliament to the councils. Members of Parliament may represent a constituency which may be included in the district. They are the people who are almost away for six months or eight months in a year in the Lok Sabha and the Rajya Sabha. They cannot legitimately be forced to become members of the advisory council.

SRI A. M. ALLAPICHAI : I think they do often come.

SRI K. BALASUBRAMANYA AYYAR : Of course, any Member of the Parliament may be doing some work. (Interruption.)

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MR. CHAIRMAN : Let there not be any more interruption.

SRI K. BALASUBRAMANYA AYYAR : There is also another provision, Sir, to the effect that where a person ceases to be a Member of Parliament or a Member of the State Legislature, he shall cease to be a Member of the District Development Council also.

The next thing that I would like to point out is about the advice that may be given. What advice they will give has not been mentioned in the Bill. As it is,, the Collector need not take the advice at all. There must be some provision, Sir, which should state—just as a President or Vice-President shall take the advice of the Ministers or the Government—that the Collector shall take the advice tendered by the Council.

MR. CHAIRMAN : What is meant by 'take the advice'?

SRI K. BALASUBRAMANYA AYYAR : An advice may not be acted upon. The District Development Council shall advise the Government on all matters. But will the advice be acted upon? Once it is stated that the Council shall advise the Government, it must be stated also that ordinarily that advice shall be acted upon. Just as the Public Service Commission's advice is ordinarily acted upon by the Government, so also it shall be stated that ordinarily the Government shall act upon the advice of the Council. In cases where the Government do not act upon the advice of the Public Service Commission, they record their reasons for not doing so. Here the Government must ordinarily act upon the advice of the Council. Otherwise, the Council is of no use. The criticism of the Leader of the Opposition that it will merely be a shadow will be fully justified. I felt that there should be some provision by which ordinarily the Collector shall act according to the advice of the Council. If he does not, he should give reasons for rejecting the advice. This is my second point. 4 p.m.

The functions of the Council are not fully set out. For example, the departments of Food and Agriculture, Industries, Labour and Co-operation, Public Works, and Health, Education and Local Administration have been listed in clause 5. Road Transport is not included. (The Hon. Sri R. Venkataraman : Road Transport is included.) It is not mentioned in this clause, but we must take it that it is mentioned somewhere else. Advice may be tendered on Road Transport, but it should be mentioned in this clause.

I find a provision in the Bill which says that Members of the State Legislature will be Members of this Council. In sub-clause (3) of clause 14, it is stated that all rules made and all notifications issued under this Act shall, as soon as possible after they are made, be placed on the table of both Houses of the Legislature and shall be subject to such modifications by way of amendments or repeal as the Legislative Assembly may make within fourteen days on which the House sits either in the same session

or in more than one session. I ask why those rules should be subject to amendments by the Legislative Assembly only. The Members of both the Houses are on the Council. This is a Council where Members of the Legislative Council also are Members. Why should not the Legislative Council also be given the right to move amendments to the rules? In this matter at least, the Legislative Council may be empowered to suggest amendments to any of the rules that may be issued.

* SRI T. G. KRISHNAMOORTHY: Mr. Chairman, the brilliant criticism of the hon. the Leader of the Opposition is bound to move anything except blocks of wood. He exposed in very able language the weaknesses of this Bill and how the District Development Council was only a shadow. After his speech, I cannot go in detail into the Bill, but I shall briefly attempt to analyse the psychology of the Government that have presented this Bill to this House. As the old saying goes, one wrong begets another. This is the result of our hasty and ill-conceived Five-Year Plans. For our Five-Year Plan, in the whole world we had no other model than Russia. Russia is a totalitarian country and she enforced and implemented her Five-Year Plan in a totalitarian way. No other democratic country in the world ever launched upon such a Five-Year Plan. So, we had to copy from Russia, and our copying was almost an imitation of the Russian Five-Year Plan with this difference that even in the copying, we did not do it efficiently. The mistakes and blunders Russia committed in her first Five-Year Plan we did not avoid, and the prompt and efficient execution of the Five-Year Plan which Russia achieved, we failed to achieve. Russia got independence in 1917, and she introduced her Five-Year Plan in 1928. Her preliminary arrangements took eleven years. The preparatory stage took her eleven years for the Five-Year Plan to be a success. But what did we do? We got our independence on the 15th August 1947, and in 1951, our First Five-Year Plan was one year in advance. We do things hastily, and find to our chagrin that to implement successfully such a plan, more and more powers are needed by the Government. We swore by democracy. We swore in the name of Gandhiji. We swore in the name of village and village panchayats. But what we find now is that the Government want more and more powers. Under the guise of democracy under the deceptive language of democracy, we are gradually proceeding, step by step, towards totalitarianism. The Central Government, like a giant Octopus, is spreading its tentacles to every nook and corner of the country. The State Government, deprived of their powers in their turn, naturally are spreading their tentacles into the villages. The State Government want more powers. I read somewhere in my college days about the theory of marginal utility. The definition given was that the more you have of a commodity the less you want still more of it. But, unfortunately, in the case of the commodity of power, the more you have of power the more you want still more of it. That is what the Government are doing now.

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They want more and more power. They are launching upon experiments after experiments in every field. What is the panchayat that we speak of to-day? Is it the panchayat visualized by Gandhiji? Gandhiji visualized a self-contained and self-sufficient village whose panchayat will attend to all the needs of the village. The Panchayats Bill is coming up. The panchayat is only an adjunct of the Government receiving doles from the Government and controlled by Government officials. This is not the panchayat which we had in ancient days. This is not the panchayat which Gandhiji visualized. The Government come forward saying that they are giving powers to the panchayats. But the Government are retaining powers indirectly. This Bill is calculated to deceive yourself, deceive your partymen, and deceive the public. This Bill is an act of bad faith on the part of the Government. Their partymen want more powers, and the Government say, ' Here are the powers for you '. As the Leader of the Opposition asked, what are the powers of this Council? I think a scavenger in a municipality has more powers and more discretion than this Development Council. There is a provision in the Bill under which the Government can appoint any person, who is not a member of the Development Council, as a member of a standing committee. What is this for? As the Leader of the Opposition asked, why should the Collector be the chairman of this Council? Why should not the Government give the Members of the Legislature the same respect? Did we not harangue on public platforms in pre-Independence days that officialdom and red tape should go? Did we not harangue from public pulpits that this officialdom and red tape everywhere should go? What are we doing now? We are transforming the whole thing into red tape and officialdom. Sir, I do not mean any disrespect to the officials or the District Collectors. But I ask who the Collectors now are. They are very young people. As the Tamil proverb goes, they are " பால் மணம் மாறுத பாலகர்கள் ". They are to be the Chairmen of the Development Councils, and I, with thirty years of political service, have to sit down if they ask me to sit down and stand up if I am asked to. You can call this democracy. You swear in the name of Gandhiji. You swear in the name of Pancha Shila. It is most disgraceful. That is what I can say. The difficulty of the Government is this. They created the panchayats, the village panchayats. They created the village panchayat union councils. Now, they want a liaison body at the district level. So, they are creating this body. They wanted to abolish the district boards. Why should they abolish the district boards? A large number of items of work will have to be attended to under the Five-Year Plans in the districts. The district boards will have more and more work to perform. The authorities in the districts will have no time at all to attend to all these. That being so, we do not know why they should abolish the district boards. Is it because they are afraid of facing the elections? In spite of their steam-roller majority, are they really afraid to face the elections? People seem to think, and rightly so, that the Congress Government are

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planning all these bodies in order to avoid the necessity of facing the elections, except at the time of the General Elections to the Legislative Assembly. Is it the reason for introducing such bodies? No, it is really very bad. These District Development Councils are superfluous. Their constitution is an ineffective superfluity. It is just like what used to be said in politics. They used to say that it was very difficult to understand the *raison d'etre* for the existence of the French President and the Thyroid gland of the sheep. It is just an appendix as the Leader of the Opposition said. It is only useful to get ulcerated and be operated upon. There is no purpose in having this Council. So, I would advise the Government to drop the Bill. Let them not stand on prestige. Let them think about democratic ideals and let them think of dropping this Bill. If the Government persist in getting through the Bill, as they seem bent upon doing, God only can save them, if there is a God interfering in human affairs.

* **Sri V. K. PALANISWAMY GOUNDER :** கனம் தலைவர் அவர்களே, இந்த மசோதாவை ஆரம்பிக்கும்போதே அதனுடைய பூர்ண உண்மை தெரியாமல் பேசப்பட்டு வருகிறது என்று நான் நினைக்கிறேன். நான் ஜில்லா போர்டில் 10, 12 வருஷங்கள் தலைவனாக இருந்திருக்கிறேன், தாலூகா போர்டு தலைவனாக இருந்திருக்கிறேன், பஞ்சாயத்து போர்டு தலைவனாக இருந்திருக்கிறேன். எனக்கு இந்த ஸ்தல ஸ்தாபனங்களைப் பொறுத்த மட்டிலும், சில விஷயங்கள் தெரியும். தவிர, இந்த மசோதாவைக் கொண்டுவருவதற்கு முன்பே சர்க்கார் நன்றாக யோசனை செய்தார்கள். யோசனை செய்து, இந்தக் கவுன்ஸிலில் இருக்கும் மெம்பர்களையும் அஸெம்பிளி மெம்பர்களையும் சேர்த்து ஒரு கமிட்டி போட்டார்கள். அந்தக் கமிட்டியில் எல்லாக் கட்சிகளின் பிரநிநிதிகளையும் சேர்த்தார்கள். அந்தக் கமிட்டி பல தடவைகள் உட்கார்ந்து யோசனை செய்தது. அந்தக் கமிட்டி, 'பைனான்ஸ் கமிட்டி' என்று மூன்று பேரை நியமித்து, அந்தக் கமிட்டி ரிப்போர்ட்டைச் சமர்ப்பித்தது. அதற்கு மேல் 'பைனான்ஸ் கமிட்டி' ரிப்போர்ட்டை முழுக் கமிட்டி யோசனை செய்து, அதற்குப் பின்னரே இந்த மசோதா தயாரிக்கப்பட்டுக் கொண்டுவரப்பட்டிருக்கிறது. அதிலே எதிர்க் கட்சியிலிருந்து கனம் அங்கத்தினர் ஸ்ரீ ரஸாகான் இருந்தார், டாக்டர் ஜான் இருந்தார், ஸ்ரீ ராமசுவாமி இருந்தார். நான் பல கமிட்டிகளில் இருந்திருக்கிறேன். இந்தக் கமிட்டியில் யோசனை செய்த அளவு, இந்தக் கமிட்டி உட்கார்ந்த அளவு மற்றக் கமிட்டிகள் செய்யவில்லை என்று நான் நினைக்கிறேன். அது மாத்திரமல்ல. இதைப்பற்றித் தீர்மானம் செய்த பிறகு, மசோதாவைத் தயார் செய்து, அந்த மசோதாவையே பரி
4-10 p.m. சீலித்தார்கள் இந்தக் கமிட்டியிலே. அதற்குப் பிறகுதான் இந்த மசோதா இங்கு வந்திருக்கிறது.

ஆனால், அரசாங்கம் ஒரு தப்புச் செய்து விட்டது என்று நான் நினைக்கிறேன். முதலில் பஞ்சாயத்து யூனியன் மசோதாவைக் கொண்டு வந்துவிட்டுப் பிறகு இந்த மசோதாவைக் கொண்டுவந்திருந்தால், இந்த ஆட்சேபணை வந்திருக்காது என்று நினைக்கிறேன். இந்த டெவலப்மெண்ட் கவுன்ஸில் மசோதா, எப்போதும் பிரமாதமாக நினைப்பவர்களுக்கு அதுவும் கனம் அங்கத்தினர் டாக்டர் லட்சுமணசுவாமி முதலியார் நிலையில் பார்க்கும்போது, மோசமாகத்தான் தெரியும். அவர் இண்டர் நேஷனல் ஆர்கனைஸேஷன்களில் பங்குகொண்டு அதிலே பேசுகின்றவர், இதைப் பார்க்கும்போது அவருக்கு ரொம்ப மோசமாகத்தான் தெரியும் என்று நான் நினைக்கிறேன். (டாக்டர் ஏ. லட்சுமணசுவாமி முதலியார் உங்கள் தலைவரும்தான் இண்டர் நேஷனல் ஆர்கனைஸேஷனில் பங்கு கொள்பவர்.) இந்த டெவலப்மெண்ட் கவுன்ஸில், மற்றவர்கள் நினைப்பது போல, பெரிய வேலைசெய்யவேண்டியிருக்கிறது என்று இந்த மசோதாவைத்

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தயார் செய்தவர்கள் நினைக்கவில்லை. ஜில்லா போர்டை எடுக்கப் போகிறார்கள். அது இன்னும் இருக்கிறது, அதை எடுத்துவிடப் போகிறார்கள். தற்போது அதன் வேலையைக் கலெக்டர் பார்த்துவருகிறார். இந்தச் சட்டம் வந்தபிறகு அது போகப்போகிறது. ஜில்லா போர்டு செய்துவந்த வேலையை இந்த டெவலப்மெண்ட் கவுன்ஸில் செய்யப்போவதில்லை. அதற்கும் இதற்கும் சம்பந்தமே இல்லை. ஜில்லா போர்டு செய்துவந்த வேலையைப் பஞ்சாயத்துக் கவுன்ஸில் செய்யப் போகிறது. கவுன்ஸிலுக்குக் கீழே எல்லா கிராமங்களிலும் பஞ்சாயத்து இருக்கப் போகிறது. டெவலப் மெண்ட் கவுன்ஸிலுக்கு ரொம்ப முக்கியத்துவம் இருக்கிறது, அல்லது இதற்கு நிறைய அதிகாரம் இருக்கிறது என்று நான் சொல்ல வரவில்லை. சொல்லப்படுவதும் சரியல்ல. இந்த டெவலப்மெண்ட் கவுன்ஸிலுக்கு ஜில்லாவில் செய்யப்படும் எல்லாக் காரியங்களையும்பற்றிப் பொதுவாகப் பேச ஒரு சந்தர்ப்பம் கொடுப்பதைத் தவிர வேறு முக்கியத்துவம் இருக்கிறது என்று சொல்ல முடியாது.

பார்லிமெண்டு அங்கத்தினர்களை, கவுன்ஸிலில் அங்கத்தினர் களாகப் போடக் கூடாது என்று சிலர் நினைக்கிறார்கள். அவர்களுக்கு ஆறு மாதம் பார்லிமெண்டிலே வேலை இருக்கிறது, அப்படி இருப்பதனாலே இந்தக் கவுன்ஸிலிலே அங்கத்தினர்களாகச் சேர்ப்பது சரியல்ல என்று நினைக்கிறார்கள். ஆனால், இப்போது ஜில்லாக்களிலே பல அட்வைஸரி கமிட்டிகள் இருக்கின்றன. பிளானிங் கவுன்ஸில் இருக்கிறது, இர்ரிகேஷன் கான்பரன்ஸ் இருக்கிறது, ப்ரொஹிபிஷன் கமிட்டி இருக்கிறது, இன்னும் எத்தனையோ அட்வைஸரி கமிட்டிகள் இருக்கின்றன. இவைகளிலெல்லாம் பார்லிமெண்ட் அங்கத்தினர்கள் இருக்கின்றார்கள். பார்லிமெண்ட் அங்கத்தினர்கள் இல்லாத கமிட்டி கிடையாது. அப்படி அவர்களைப் போடாமல் இருந்தால், 'என் எங்களைப் போடவில்லை' என்று கேட்கத் தயாராக இருக்கிறார்கள். அவர்கள் இதிலே இருக்கவேண்டுமென்று மனப்பூர்வமாக நினைக்கிறார்கள். ஏனென்றால் அவர்களுடைய தொகுதியில் வேலை செய்வதற்கு இந்தக் கவுன்ஸிலில் இருப்பது சௌகரியமாக இருக்கும். கலெக்டரோடு பேசி, தங்களுடைய தொகுதிக்கு வேண்டிய வற்றைச் செய்துகொள்ள சௌகரியமாக இருக்கும் என்று தாங்களும் இருக்கவேண்டுமென்று அவர்கள் மனப்பூர்வமாக ஆசைப்படுகிறார்கள். அவர்களை அங்கத்தினர்களாகப் போட்டதால் தப்பு வந்துவிட்டது, அவர்களால் கூட்டத்திற்கு வரமுடியாது, அப்படி வராமல் இருந்தால் அந்த அங்கத்தினருடைய தொகுதியில் இருப்பவர்கள் தப்புச் சொல்வார்கள் என்று நினைப்பது தவறு. இங்கே, பார்லிமெண்டில் அங்கத்தினர்களாக இருந்தவர்களில் இரண்டொருவர் வந்திருக்கிறார்கள். அவர்களைக் கேட்டால் தெரியும். இந்தக் கவுன்ஸிலில் இருக்க ரொம்பப் பிரியப் படுகிறார்கள். பார்லிமெண்டில் அங்கத்தினராக இருந்தவர் எனக்குப் பக்கத்திலேயே இருக்கிறார். அவர் இந்தக் கவுன்ஸிலில் இருப்பதை விரும்புகிறார்.

அடுத்தபடியாக, கலெக்டரைத் தலைவராகப் போடக்கூடாது என்று சொல்லப்பட்டது. ரொம்ப அதிகமாகச் சொன்னார்கள். என்னுடைய அனுபவத்தில் எனக்கு வயதாகியிருக்கிறது—முன்பு வயதான கலெக்டர்கள் இருந்ததை நான் பார்த்திருக்கிறேன். அந்தமாதிரி இப்போது வயதான கலெக்டர்கள் இல்லை. சிறு வயதுள்ள கலெக்டர்கள் இருக்கிறார்கள். சிறு வயதாக இருந்தாலும், அவர்கள் சுறுசுறுப்பாக வேலை செய்கிறார்கள் என்பதை நாம் மறுக்க முடியாது. கலெக்டர்தான் தலைவராக இருக்க வேண்டியது அவசியம் என்று சொல்லிக்கொள்ள விரும்புகிறேன். நிர்வாகப் பொறுப்பே இந்தக் கவுன்ஸிலுக்குக் கிடையாது, "அட்வைஸ்" செய்வதைத் தவிர வேறு ஒன்றுமில்லை. இந்த சபையில் அங்கம் வகிப்பவர்கள் சட்டசபை மெம்பர்கள் மாத்திரமல்ல.

இந்தக் கவுன்சிலிலே நிறைய ஆபீசர்கள் இருக்கிறார்கள் என்றெல் லாம் சொன்னார்கள். எந்தெந்த டிபார்ட்மெண்டுகள் சம்பந்தப்பட் டிருக்கிறதோ, அந்தந்த இலாக்கா ஆபீசர்கள் வந்தால்தான் எல்லா விதமான விஷயங்களையும் அங்கு விவாதிப்பதற்கு சௌகரியமாக

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இருக்கும். இம்மாதிரி பல இலாக்காக்களின் ஆபீசர்களிடமிருந்து வேலை வாங்கவேண்டுமென்று சொன்னால், அது கலெக்டரால்தான் முடியும்.

Sri A. M. ALLAPICHAI : If you make a rule that any non-official when he is presiding can direct other officials, it will be law.

* Sri V. K. PALANISWAMY GOUNDER : He may direct but it will not be obeyed. கலெக்டர் இருந்தால்தான் எல்லாக் காரியங்களும் நடக்கும் என்பது ஜில்லாவிலுள்ளவர்களுக்குத் தெரியும். சென்னையிலுள்ளவர்களுக்குத் தெரியாது. ஜில்லாவிலே ஆபீசர்களிடத்தில் காரியம் ஆகவேண்டுமென்று சொன்னால், அது கலெக்டரால்தான் செய்ய முடியும். அலங்காரத்திற்காக ஒரு சபையை வைத்துக்கொண்டு ஏதாவது ஒரு தீர்மானத்தை நிறைவேற்றி முடிவு பண்ணக்கூடிய சபையாக இருந்தால், வேறு யாராவது அதற்குத் தலைவராக இருக்கலாம். ஆனால் ஆபீசர்களிடத்தில் வேலை வாங்கவேண்டியிருப்பதனாலும், காரியங்கள் ஆக வேண்டியிருப்பதனாலும், கலெக்டரே தலைவராக இருப்பது பொருத்தம் என்று யோசனை செய்து முடிவு செய்யப்பட்டது. இந்தக் கவுன்ஸிலுக்கு வேறு எக்ஸிக்யூடிவ் அதிகாரம் ஒன்றும் இல்லை. இது ஒரு ஆலோசனை கூறக்கூடிய கமிட்டிதான். ஆகவே இதற்குக் கலெக்டர் அல்லாத ஒரு தலைவர் வேண்டுமென்று சொல்லுவது சரியல்ல என்று நினைக்கிறேன்.

அடுத்தபடியாக, இதிலே போடப்பட்டிருக்கிற கமிட்டிகளைப்பற்றிப் பேசப்பட்டது. இந்த ஆலோசனை சபையில் 50 அல்லது 60 அங்கத்தினர்கள் இருப்பார்கள் என்று தெரிகிறது. ஆகவே, ஒரு கமிட்டிக்கு மேற்பட்ட கமிட்டிகளிலே அங்கத்தினராக இருக்கவேண்டுமென்று சொன்னால், ஒரு சில பேர்கள் தான் அங்கத்தினர்களாக இருக்க முடியும். எல்லோருக்கும் அங்கத்தினர் பதவி கிடையாது, அதற்காகத் தான் ஒரு அங்கத்தினர் ஒரு கமிட்டியிலே இருந்தால் போதும் என்று அந்தக் கூட்டுக் கமிட்டியிலே தீர்மானம் செய்தோம். ஆபீசர்களாக இருந்தால் பல கமிட்டிகளில் இருக்கலாம் என்று இருக்கிறதே, ஆபீசர்கள் அல்லாதவர்களாக இருந்தால் ஏன் அப்படி இருக்கக்கூடாது. இது அக்கிரமமாக இருக்கிறதே என்று பேசப்பட்டது. இந்தக் கவுன்சிலிலே இருக்கும் ஆபீசர்களுக்கு வோட்டு அளிக்கும் அதிகாரம் கிடையாது. ஆபீசர்கள் அல்லாதவர்களுக்குத்தான் அந்த அதிகாரம் உண்டு. டிபார்ட்மெண்டிலே நடக்கிற விஷயங்களை எடுத்துச் சொல்லுவதற்குத் தகுந்தவர்கள் அந்தக் கவுன்சிலிலே இருந்தால்தான் உருப்படியான வேலை நடக்கும். அவர்களுக்கும் வோட்டு அளிக்கும் அதிகாரம் இருக்கும் பட்சத்தில் அதிகப் பேர்கள் இருக்கக்கூடாது என்று சொல்ல முடியும். அதற்காகத்தான் அந்தக் கமிட்டியிலே இந்த
4–20 p.m. மாதிரித் தீர்மானம் செய்யப்பட்டது.

மேலும்- ஆபீசர்களை நியமனம் செய்வதும் கலெக்டர் தானே. இந்தக் கவுன்ஸிலுக்கு அதிகாரம் இல்லையே என்று சொல்லப்பட்டது. ஆபீசர்களைக் கலெக்டர் தானாகவே நியமனம் செய்ய முடியாது. சர்விஸ் கமிஷனால் தேர்ந்தெடுக்கப்படும் ஆட்களைத்தான் போட முடியும். மற்ற டிபார்ட்மெண்டுகளில் இருக்கிற ஆபீசர்களைத்தான் போடலாமே ஒழிய கலெக்டர் தானாகவே ஒரு ஆபீசரையும் போட முடியாது. ஆகவே இந்தக் கவுன்சிலுக்கு அதிகாரம் கிடையாது என்று சொல்லுவது சரியல்ல. இதெல்லாம் **autocracy**-ல் தான் நடக்கும். இப்பொழுது ஜனநாயக முறை இருந்தாலும்கூட, பஞ்சாயத்து லெவல் வரையிலும் சர்க்கார் தங்களுக்கு அதிகாரம் இருக்கவேண்டுமென்று நினைக்கிறார்கள். காங்கிரஸ்காரர்கள் **democracy** என்று சொல்லுகிறார்கள், ஆனால் இது **autocracy** தான் என்று இங்கே ஒரு தப்பான அபிப்பிராயம் தெரிவிக்கப்பட்டது. அரசாங்கம் என்பது யாராலேயோ நியமிக்கப்பட்ட ஸ்தாபனம் இல்லை. கிராமங்களிலுள்ள வயது வந்தவர்களிடமிருந்து வோட்டுப் பெற்று இங்கே பிரதிநிதிகளாக வந்தவர்கள்தான் இப்பொழுது சர்க்காரை நடத்துகிறார்கள். ஆகவே இது ஜனநாயக முறை ஆகாது

12th September 1958] [Sri V. K. Palaniswamy Gounder]

என்று சொல்வது தப்பு. வரப்போகிற பஞ்சாயத்து யூனியன் மசோதாவைப் படித்துப் பார்த்தால் எவ்வளவு தூரம் அதற்கு அதிகாரம் கொடுக்கப்பட்டிருக்கிறது என்பது தெரியவரும். அதுவும் பண விஷயத்திலே அவர்களே வரிகள் போட்டு, பணம் வசூல் செய்யக்கூடிய அதிகாரங்கள் எல்லாம் பஞ்சாயத்துக்களுக்கும், பஞ்சாயத்து யூனியன்களுக்கும் கொடுக்கப்பட்டிருக்கிறது. இதுவரையிலும் ஸ்தல ஸ்தாபனங்களுக்கு எவ்வளவு தொகை செலவழிக்கப்பட்டதோ, அதைப் போல் இரண்டு மடங்கு தொகை செலவு செய்வதற்கு மசோதாவிலே வழிவகை செய்யப்பட்டிருக்கிறது. இப்பொழுது தலா ஒன்றுக்கு 3 ரூபாய்க்கு மேல் செலவு செய்யப்படவில்லை. இந்தச் சட்டம் வந்த பிறகு நபர் ஒன்றுக்கு 6 ரூபாய் செலவு செய்யக்கூடிய அளவுக்கு தொகை ஒதுக்கப்பட்டிருக்கிறது.

இந்த அபிவிருத்திக் கௌன்சில் ஏதோ ஒரு பெரிய நிர்வாகத்தை நடத்தும் என்று நினைப்பது தவறு. இது ஒரு "advisory body" தான். இது இல்லாமலே காரியங்களைச் செய்யலாமா என்று கூட நினைத்தோம். இது இல்லாமல் இருந்தால் என்ன, ஜில்லா போர்டின் அதிகாரங்களையெல்லாம் பஞ்சாயத்துக்களுக்கும், பஞ்சாயத்து யூனியன்களுக்கும் கொடுத்தாய்விட்டதே, இது தவிர முனிசிபாலிட்டிகள் இருக்கின்றன, கார்ப்போரேஷன் இருக்கிறது, ஆகவே ஜில்லா அடிப்படையிலே இந்தமாதிரி அபிவிருத்தி சபை வேண்டுமா, வேண்டாமா என்று யோசனை செய்தோம். பஞ்சாயத்து யூனியன்களுக்கும், ராஜ்ய சர்க்காருக்கும் மத்தியிலே ஒரு சபை இருக்கவேண்டுமென்று கருதித்தான் இந்த அபிவிருத்தி சபை ஏற்படுத்தப்பட்டிருக்கிறது. இந்த சபைக்கு அதிகாரம் இல்லை என்பதை நான் ஒப்புக்கொள்கிறேன். அதிகாரம் இருப்பதாக யாரும் சொல்லவில்லை. ஆனால் ஜில்லாவில் பல காரியங்களைச் செய்வதற்கு co-ordination ஆக ஒரு சபை இருக்கவேண்டுமென்று தான் இம்மாதிரிச் செய்யப்பட்டிருக்கிறது என்பதை நான் தெரிவித்துக்கொள்கிறேன்.

இவ்வளவு வன்மையாக இந்த மசோதா இந்த சபையில் கண்டிக்கப்படுமென்று நான் நினைக்கவில்லை. இதற்காகப் போடப்பட்ட குழுவிலே இந்த சபையில் உள்ளவர்களும், அசெம்பிளியில் உள்ளவர்களும், மற்றும் கட்சிப் பிரதிநிதிகளும் இருந்தார்கள். பல கூட்டங்களில் ஆலோசனை செய்துதான் முடிவு செய்யப்பட்டிருக்கிறது. இதற்காக வேறு ஒரு செலக்ட் கமிட்டியைப் போடவேண்டுமென்று சொன்னார்கள். வேறு கமிட்டி போடலாம். இந்தக் குழுவில் டாக்டர் ஜான், ஸ்ரீ முகம்மது ரஸாகான், இன்னும் திராவிட முன்னேற்றக் கட்சி, கம்யூனிஸ்டு கட்சி, சோஷலிஸ்டு கட்சி, இம்மாதிரிக் கட்சிகளைச் சேர்ந்த பிரதிநிதிகளும் இருந்தார்கள். ஆகவே வேறு கமிட்டி போட்டாலும் முடிவு வேறு விதமாக இருக்கும் என்று நினைப்பதற்கில்லை. எல்லாக் கட்சியினரும் நன்றாக ஆலோசனை செய்துதான் முடிவு எடுக்கப்பட்டது. ஆகவே, இதை எல்லோரும் ஒத்துக்கொள்ளவேண்டுமென்று கேட்டுக்கொள்கிறேன்.

SRI M. PATANJALI SASTRI: Mr. Chairman I thoroughly endorse the remarks of the hon. the Leader of the Opposition in regard to many of the serious objections to the Bill. Perhaps, one objection, which was put in the forefront, will be answered by the Treasury Benches by pointing to clause 1 (3) of the Bill. Otherwise, it will be a very serious objection; I mean the objection raised by the hon. the Leader of the Opposition to legislating about non-existing things. Clause 1 (3) says that the Act will come into force on such date as the Government may, by notification, appoint. The idea of the Government is perhaps—I am merely throwing out a suggestion—after the Panchayat Bills are passed and they come

into effect, this should be brought into force, that is to say, on a date subsequent to the passing of the other Bills. This is, if I may borrow a hackneyed phrase, putting the cart before the horse. For instance, let us see the definitions proposed in sub-clause (3) of clause 2. It says: " 'panchayat' and 'panchayat union council' have the meanings assigned to them under the law for the time being in force relating to their constitution." I understand there is no law at present in force relating to the constitution of panchayat union councils. There is a law extant relating to the constitution of panchayats only. Therefore, this Bill will be really dealing with some things which are not in existence. Such legislation would really be opposed to all sound principles of legislation.
4-30 p.m. I go even farther than that. There is more in the objection of the hon. the Leader of the Opposition than the incongruity he pointed out, that is to say, it will be a serious objection to the jurisdiction of the Legislature to deal with matters which are non-existent. It cannot be the function of any Legislature to deal with certain things which at the moment do not exist but may be brought into existence at some distant or proximate time. The answer, as I said, may be that this objection is got over by deferring notification under sub-clause 2 (3). But it would be an unsound method of legislation to pass a Bill but defer the issue of the notification of the operation of the Bill till such time as some other Acts are brought into existence. (An hon. Member: Why then bring in this Bill at all now?). It is incongruous even if it is nothing more serious. The Bill also concerns other things that are to be brought into existence later. Then there is the classification of panchayat union markets. There are no such markets now, as I understand. Classification of union fairs and festivals comes next. Where are they now? Similarly, there are other provisions dealing with non-existent things, things to be brought into existence later on. I do not want to catalogue them here. The instances pointed out are numerous enough, I believe.

Then, there is the other objection pointed out by the hon. the Leader of the Opposition and that is the inappropriateness of making Members of Parliament and Members of the State Legislature *ipso facto* Members of the Development Councils without their consent. That is a very serious thing and an almost unheard of thing. Usually their consent is taken especially when Members of Parliament have to function more than thousand miles away from where these Councils are expected to function. Now, to make them, without so much as " by your leave ", members of this body is, to say the least, extraordinary. Therefore, I submit that this provision is highly objectionable and most Members of Parliament, I expect, will resent it. I do not know why they have made such a provision in this Bill.

Then, Mr. Chairman,—this is probably a misprint, it is stated in clause 6 that the 'District Council may meet as *after* as may be necessary . . .

12th September 1958

THE HON. SRI R. VENKATARAMAN : It should be ' often '.

* SRI M. PATANJALI SASTRI : Then, there is some confusion in clause 6, sub-clause (3). The sub-clause says—

' All questions at a meeting of the District Development Council shall be decided by a majority of the votes of the Members present and voting and in the case of an equality of votes, the Chairman of the District Development Council or in his absence the person presiding, shall have a second or casting vote : '

According to this, the Chairman is to have a second or casting vote. Then follows the proviso, namely,

' Provided that a member of the District Development Council who is an officer of the Government shall have a right to take part in the discussions, but shall not have a right to vote at a meeting of the Council . . .'

The Collector who is an officer of the Government is made *ex officio* Chairman ; this proviso would cover him also. But there seems to be some inconsistency between the body of the sub-clause, and the proviso attached to it. The Collector who is *ex officio* Chairman or in his absence the person presiding shall have a second or casting vote. The Collector as Chairman is, therefore, entitled to vote. But in the proviso an officer of Government is barred from exercising any right to vote. This inconsistency may be removed.

Then, Sir, there is the standing committee. I do not know the idea in the back of the mind of the Government about the constitution of these committees, how many members each will have. They would make an unwieldy body of the Development Council. Let us look at the clause relating to this, viz., clause 8. It provides—

' For the purpose of assisting the District Development Council in exercising such of its powers, discharging such of its duties and performing such of its functions as may be specified by the Government, a District Development Council may, and if so required by the Government, shall constitute standing committees for dealing with—

(i) Food and Agriculture,

(ii) Industries and Labour,

(iii) Public Works,

(iv) Education,

(v) Health and Welfare including Prohibition.

(b) A District Development Council may constitute additional standing committees, for such purposes as the District Development Council thinks fit.'

Even if there are to be two members in each standing committee, they would be numerous. And there are the other members to be included in the Development Council as set out in clause 4, namely,

the District Collector as *ex officio* Chairman, Members of Parliament, Members of the State Legislature chosen to represent a constituency, which consists of, or comprises, or which relates to, the district or any portion thereof or who reside in the district, all Chairmen of Panchayat Union Councils in the district, Chairmen of Municipal Councils, Presidents of Co-operative Central Banks in the district, and such Government officers connected with planning and execution of development schemes in the district as are nominated by the Government. The members of the standing committee must come out of these. So many Gazetted Officers must be nominated to man all these categories of standing committees. I think, Sir, the Development Council is going to be a huge body in which no deliberation can be usefully held. That is my feeling. If you go into the provisions in detail, it seems there would be at least 30 or 40 persons serving on the Council. It will be a sort of a miniature Legislature. (Sri T. G. Krishnamoorthy : It is about 60.) The hon. Member has computed the figures. Thank you. It will be an unwieldy body. At this rate, I do not think it is going to function very usefully. (An hon. Member : That is why it has been treated as an advisory body.) Even an advisory body may be more compact than this. Sixty persons speaking in different voices and pulling in different directions cannot tender any useful advice to anybody.

Then, Sir, in sub-clause 8 (3) it is stated, ' The other members of the District Development Council shall be chosen to the standing committee in such manner *as may be prescribed* '. It is usual to insert a definition of ' prescribed ' as meaning ' prescribed by rules made under the Act '. It may be done in this case also. It is merely a suggestion I am making to the Treasury Benches.

4-40 p.m. The hon. the Leader of the Opposition has dealt in some detail with the functions which the Development Councils are contemplated under this Bill to exercise. They are somewhat minor in character. But perhaps one important and useful function which they will exercise is an unspoken function. Most of our panchayats, as we all know, are honey-combed with factions. Here the District Development Councils may exercise a useful function. They may co-ordinate the activities of these panchayats and try to compose their differences and to conciliate the various groups which are inclined to fight among themselves within these panchayats, especially when there are large panchayat unions. In fact, that was one of the main objections to panchayat raj in this country. As we all know—and we cannot blink facts—in every panchayat, there is a lot of faction and there are group formations. Perhaps it will be a useful function of the District Development Council to deal with these factions, to compose their differences and to make them do some useful work sinking their differences, as far as possible. That is an unspoken function, but that was also probably at the back of the mind of the Government but not mentioned for obvious reasons.

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* THE HON. SRI R. VENKATARAMAN : Mr. Chairman, Sir, when we brought forward this very simple and almost innocent Bill before this House, we did not expect to be subjected to such mauling as it has received during the last one and a half hours. Frankly, we thought that this was a matter in which there was a considerable volume of agreement in this House as well as in the other House. That was why we thought that it would have a very safe and easy passage in this House. It is my duty, in the first instance, to oppose the motion for reference of this Bill to a Select Committee for several reasons. Ordinarily, a Bill is referred to a Select Committee when it is necessary to give it greater scrutiny.

DR. A. CHIDAMBARANATHAN : Sir, the Leader of the House says that he opposes the motion for reference of the Bill to a Select Committee. I want to know whether he is replying to the amendment or to the main motion. I have given my name for speaking. If the Leader of the House is replying to the debate, I submit that I have not been called to speak.

MR. CHAIRMAN : Discretion is left to the Chairman. I have got the names here. There can be no questioning of the discretion of the Chairman.

* THE HON. SRI R. VENKATARAMAN : I shall be grateful, Mr. Chairman, if there are no points of disorder. The Leader is entitled to intervene on any issue at any time.

SRI T. G. KRISHNAMOORTHY : The hon. Member wanted to know . . . .

MR. CHAIRMAN : The hon. Member need not interrupt the Leader of the House.

* THE HON. SRI R. VENKATARAMAN : Unfortunately, we do not have a prepared speech. We have to reply as and when points are raised, and naturally interruptions cut the trend of thought. I was saying that I had to oppose this motion for reference of the Bill to a Select Committee for several reasons. Ordinarily, a Bill is referred to a Select Committee when there has not been sufficient consideration of its provisions. In this case we have had a long and detailed scrutiny by both the Houses. There was a White Paper on the Reform of Local Administration. The White Paper contained provisions with regard to the District Development Councils. After that, we had a Committee of the Legislature consisting of sixteen Members of the Assembly and eight Members of this House. It has been thoroughly scrutinised and even the provisions of the Bill have been examined by them. Therefore, to say that it should, at this stage, be again referred to a Select Committee would not be the right thing to do in regard to a Bill like this. Secondly, as I heard the severe opposition of the hon. the Leader of the Opposition, I thought that he was fundamentally opposed to the Bill and that there was nothing good he saw in it. Whenever a Bill is referred to a Select Committee, the House

accepts the principle of the Bill and wants to make changes. But from the attitude taken by the hon. the Leader of the Opposition, there was no doubt that he totally opposed the Bill, and that, therefore, it was not worth while referring this Bill to a Select Committee.

DR. A. LAKSHMANASWAMI MUDALIAR: On a point of personal explanation. I never said that I was totally opposed to the Development Councils Bill. I was opposed to the method of its constitution and more particularly, to its functions, which could be improved upon in a Select Committee.

* THE HON. SRI R. VENKATARAMAN: Mr. Chairman, the impression left in my mind was different and I presume that the impression left in the minds of other Members also has not been different. Now, Sir, the point is this. There is no further scrutiny necessary in regard to a Bill which has been thoroughly examined by the representatives of both the Houses in long and arduous proceedings in their committee meetings. Therefore, I am unable to accept the amendment and I have to oppose it.

Now that I am intervening in the debate, I may be permitted to make a few observations on some of the points raised by the hon. the Leader of the Opposition as well as other eminent Members on the other side of the House. The Leader of the Opposition challenged me to show one instance in which any Member of Parliament was sitting as a member of a committee of which a civil servant was the Chairman. I would refer him to the constitution of the Commodities Board under an Act passed by the Indian Parliament. We have the Tea Board, the Coffee Board, etc. The Chairman of that Board is an executive officer either in service or who has retired. I think only in one case a man who was about to retire was the Chairman.

DR. A. LAKSHMANASWAMI MUDALIAR: I am sorry to interrupt the Hon. the Leader of the House. What I said was that there was no body statutorily provided where a Civil servant was the Chairman and Members of Parliament and Members of the Assembly and the Council were members. If I am appointed to any committee where a civil servant is the Chairman in my capacity as an individual—after all, I happen to be a Member of the Council—there is no objection whatsoever, and I welcome that we have a provision like that. The provision here is entirely different

* THE HON. SRI R. VENKATARAMAN: I always understand the hon. the Leader of the Opposition and I was going to meet the point. In regard to the constitution of the Tea Board there is a provision for the election of a Member of Parliament to that Board and the Chairman of that Board is an officer. I do not think that it has been objected to either by the Lok Sabha or by the Rajya Sabha on that account. Even the Members of the Rajya Sabha

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are elected to the Coffee Board and the Tea Board. I myself had the privilege of sitting on those bodies and I also had the privilege of sitting with people who were elected by the Parliament to represent the Parliament on the Commodities Board of which the Chairman was a Civil servant. Therefore, the first point that it is not as made out is clear. The second point is, 'Is he willing to be a member or not?' We always go by experience and not by theories. We have had District Planning Boards and the Members of Parliament were members of those Boards. Not only were they members but they were offended if they were not put in as members. In fact, it is the insistence on the part of the Members of Parliament for an opportunity to serve their constituencies through these Development Councils that has made us provide for a place for the Members of Parliament and Members of the Legislature on those bodies. As I said, we go by the experience that we have gained in the past few years and our experience has been that the Members do want to be on these committees. On the other hand, there would be very severe criticism if these Members were not included as members of the Development Councils.

Then, Sir, there has been a lot of criticism about the constitution and functions of the Council. We have to make a distinction between the old district boards which were executive bodies and the proposed Development Councils which are merely advisory bodies. As for the numbers, it is not bigger than our own Legislative Council and if this can be useful as an institution, I do not see why the Development Council should not be useful as an institution to give advice. 4-50 p.m.

SRI L. S. KARAYALAR : But we sit for so many days.

* THE HON. SRI R. VENKATARAMAN : The Council will meet as long as the agenda requires. It is not necessary that the Council should sit when there is no work, and the agenda will determine the length of the sitting. Therefore, there cannot be any objection to the very constitution of the Council.

Then, Sir, I will now pass on to another objection which was raised about the introduction of this Bill before the presentation or the passing of the Panchayat Union Bill. Sir, the Panchayat Union Bill will contain references to the District Development Council. Then, if that is brought up, an equally valid objection can be raised that the Development Council Bill should have been brought forward before the Panchayat Union Bill. Sir, this is not the first time that the Government are faced with this situation. I would particularly invite the attention of the hon. Member Sri Patanjali Sastry to the difficulty which we had to face when we framed the States Reorganization Bill. Certain provisions of that Bill made references to the Constitution and until the Constitution was amended, those provisions could not become operative. Then if they had brought in an amendment to the Constitution, it would

be invalid or ineffective because certain conditions which were prescribed or certain circumstances which were stated to exist after the reorganization of States would not be existing on the date on which an amendment to the Constitution was brought in. Therefore, the Government usually resort to this device of allowing one Bill to be brought forward leaving the date on which it comes into operation to be determined after all the other Bills have been brought into force. Therefore, I submit that the Bill does not suffer from any infirmity, nor is there such a fatal fallacy or error in the framing of the Bill.

Sir, I shall not trespass on the field which is legitimately that of my very distinguished colleague. She will reply to the points raised with regard to the nature, constitution and functions of the Development Council. All that I want to say is that neither in law nor in the Constitution nor in its operation, is there a legal infirmity with regard to the Bill which is presented before the House.

MR. CHAIRMAN : I restrict the time-limit to five minutes.

***SRI N. ANNAMALAI PILLAI** : மிஸ்டர் சேர்மன், ஸார், இந்த 'பில்' ஐ ஆதரித்துச் சில வார்த்தைகள் சொல்ல விரும்புகிறேன். ஜில்லா போர்டுகள் எடுக்கப்பட்டும், எடுக்கப்படாததுமான நிலைமையில் இருந்து வருகின்றன. ஜில்லா போர்டுகள் எதற்காக எடுக்கப்பட்டன என்பதை எல்லோரும் நன்றாக அறிவார்கள். பெரும்பாலும் ஜில்லா போர்டுகள் சரிவர நடைபெறவில்லை என்ற காரணத்தினாலே, அவைகளை எடுத்துவிட்டு, இதற்குள் பஞ்சாயத்துக்கள் வந்துவிட்டபடியால் பஞ்சாயத்துக்களுக்கு எல்லா அதிகாரங்களையும் கொடுத்து அவைகளின் மூலமாக நிர்வாகத்தை நடத்துவது என்றும், அவைகளை மேற்பார்வை பார்ப்பதற்கு அட்வைஸரி போர்டு ஒன்று ஏற்படுத்தவேண்டுமென்றும் தீர்மானித்து இந்த அட்வைஸரி போர்டுக்குக் கலெக்டரைத் தலைவராகவும் நியமித்திருக்கிறார்கள். இந்த அட்வைஸரி போர்டுக்குச் சேர்மனாக கலெக்டர் இருந்தால், அவருடைய வேலையை அவர் செய்வதற்குப் பல இடைஞ்சல்கள் உண்டாகும் என்று தெரிவிக்கப்பட்டது. இது ஒரு அட்வைஸரி போர்டு. பஞ்சாயத்துக்களுக்கிடையே ஏதாவது தகராறுகள் நடந்துபோனால் அவைகளைத் தீர்த்துவைத்து, மேற்பார்வை பார்ப்பதற்காக இந்த போர்டை ஏற்படுத்தியிருக்கிறார்களே தவிர, வேறு ஒன்றுமில்லை. டெவலப்மெண்டு வேலைகள் நடந்துவருகின்றன. அவைகளை மேற்பார்வை பார்த்து நடத்துவதற்காகவும் இந்த போர்டை ஏற்படுத்தியிருக்கிறார்கள். சர்க்கார் ஏராளமான ஸ்தாபனங்களை ஏற்படுத்தி இரண்டாவது ஐந்து வருடத் திட்டத்தைப் போட்டு பிரமாதமாக வேலை செய்துகொண்டிருக்கிறார்கள். இந்த நாட்டு மன்னர்கள், இந்த நாட்டு மக்களாகிய நாம் மாத்திரமல்ல, மேல் நாட்டில் இருப்பவர்களும் கூட நம்மைப் பார்த்துப் பிரமிக்கும் படியான காரியங்களை நாம் செய்திருக்கிறோம். இந்தக் காரியங்களைச் செய்து அதில் வெற்றி கண்டவர்களாகிய நாம் கலெக்டர் தலைமையிலே ஒரு கவுன்சில் அமைக்கப்பட்டிருக்கிறதே என்று கவலை கொள்ளுவது உசிதமாக இல்லை.

பார்லிமெண்டு மெம்பர்களும் இதில் அங்கம் வகிக்கிறார்கள். அவர்கள் இதற்காக வருவார்களா என்று ஒரு வாதம் கிளப்பினார்கள். ஏன் வரக் கூடாது ? ஏன் வரமாட்டார்கள் ? வந்தே தீருவார்கள். (ஸ்ரீ கே. பாலசுப்பிரமணிய அய்யர் : வரவேண்டும்.) வருவார்கள், சந்தேகப்படவேண்டாம். அதற்காகத் தங்கள் வாழ்நாளை அர்ப்பணம் செய்தவர்கள் வந்தே தீருவார்கள். அப்படி இல்லாதவர்கள் ஒருக்கால் அயர்ந்திருக்கலாம். அட்வைஸரி போர்டில் அவர்கள் தூங்குவார்கள் என்று சொன்னார்கள்.

எனக்கு அது மிகவும் வருத்தமாக இருக்கிறது. என் நண்பர் ஸ்ரீ பால சுப்பிரமணிய அய்யர் அவ்வாறு சொன்னார். (ஸ்ரீ கே. பாலசுப்பிரமணிய அய்யர் : நான் என்ன சொன்னேன் ?) தூங்குவதற்காக நாங்கள் வரவில்லை. ஒரு சமயத்தில் இரவில் கண்விழித்திருந்தால் இங்கே கூடத் தூக்கம் வருகிறது. (ஸ்ரீ கே. பாலசுப்பிரமணிய அய்யர் : வீடுகளிலே தூங்குவது பற்றி நான் பேசினேன்.) அப்படித் தூங்குவதற்காக யாரும் வரவில்லை. மேலும் நான் உங்களைக் கேட்டுக்கொள்ளுவது என்னவென்றால், இந்த பில்லை ஆட்சேபித்துத் தடை செய்வதில் பிரயோசனமில்லை. கனம் அங்கத்தினர் ஸ்ரீ பழனிசாமி கவுண்டர் அவர்கள், 'எல்லாக் கட்சிகளும் சேர்ந்து இதை நிறைவேற்றினார்கள். ஒரு தடவைக்குப் பல முறை பரிசீலனை செய்து பார்த்து, அதன் பிறகு இந்த பில் கொண்டுவரப் பட்டது' என்று தெரிவித்தார்கள். இந்த நிலைமை எங்களுக்குத் தெரியாது. இவ்வளவு நேர்மையாக நடந்தபிறகு இதில் ஆட்சேபம் கிளப்புகிறார்களே என்று நினைக்கவேண்டியிருக்கிறது. ஆகவே இந்த பில்லை எல்லோரும் ஆதரித்து ஒருமுகமாக நிறைவேற்றவேண்டுமென்று கேட்டுக்கொள்ளுகிறேன்.

* DR. V. K. JOHN : Mr. Chairman, Sir, I am glad that you gave an opportunity to the Leader of the House to explain the position of the Government. I do not find in any rule why a motion for reference of the Bill to a Select Committee cannot be made under rule 128. If a Bill is brought before the House for consideration, the principles of the Bill will have to be discussed and any Member may move an amendment that the Bill be referred to a Select Committee. The only opportunity for the Members of this House to discuss the principles of the Bill is when it is brought before it for consideration. That is the only opportunity also for any Member to move an amendment under rule 128. If a motion for consideration is carried, then there is no opportunity at all for any Member of this House to make a motion under rule 128. The hon. the Leader of the Opposition was quite in order in accordance with the rules of this House in making the motion that the Bill be referred to a Select Committee. 5-00 p.m.

* THE HON. SRI R. VENKATARAMAN : Mr. Chairman, I did not question the propriety of the motion. I said that it was a parliamentary convention generally to make a motion for reference of Bills to Select Committees but that in the case of the present Bill, a Committee of the Legislature has scrutinised the Bill. Since there was no change in the principle, I said that it was not necessary to make a motion for reference to a Select Committee.

* DR. V. K. JOHN : Under our rules, it is not found and the motion of the hon. the Leader of the Opposition is quite in order. After hearing Sri Patanjali Sastry who very kindly accepted a place in this House and honoured us by becoming a Member of this Council, I thought that the Government would immediately make a correction. There are many drafting mistakes in the Bill. This is a most ill-conceived and ill-drafted measure. For example, the words 'reside' and 'residence' have been defined. We find the term under 'Definitions' but it is not found in the body of the Bill.

THE HON. SRI R. VENKATARAMAN : The term "residence" is used.

* DR. V. K. JOHN : But you are defining both. 'To reside' is not there. Only the term 'residence' is found. Again, take clause 9 dealing with special powers for appointment of staff for the District Development Councils. Then in clause 10, you start with 'general powers'. What are given under 'special powers' are general powers and what are given under 'general powers' are special powers. This is a hopelessly drafted Bill, Sir, and any Government would like to have a reference of this Bill to a Select Committee. My point is that the Government do not realise what they should do in regard to local self-governing bodies. They always propagate Article 40 of the Constitution.

SRI V. K. PALANISWAMY GOUNDER : Sir, this Bill was before a Committee of which Dr. John was . . .

* DR. V. K. JOHN : Sir, I sent a letter to the Secretary of that Committee pointing this out. Article 40 of the Constitution says—

"The State shall take steps to organise village panchayats and endow them with such powers and authority as may be necessary to enable them to function as units of self-government".

Please note the words 'units of self-government'. What are you doing? You are creating Unions which are part of the Government. Thus, power is reserved to the Government. We find that the Central Government are trying to take all powers. Similarly, the State Government are also trying to take every power and every authority from the local bodies. The principle underlying this Bill from beginning to end is faulty and is against the Constitution. It is grabbing power from the local bodies and trying to vest it in the local Government. It is not distribution of power in regard to administration that any Bill providing for local self-government should propagate. I do not know, Sir, why this Bill has been introduced. It is, I repeat, Sir, a most ill-conceived and ill-drafted measure and it must have a limit."

DR. A. CHIDAMBARANATHAN : தலைவர் அவர்களே. . . .

MR. CHAIRMAN : I did not call you. Please sit down. The Hon. Minister will reply to the debate.

* THE HON. SRIMATHI LOURDHAMMAL SIMON : Mr. Chairman, Sir, I am very thankful to the hon. Members who took so much interest to talk on this subject to-day. The hon. the Leader of the Opposition questioned the necessity for this Bill and also the appointment of Members of Parliament to the District Development Councils. Even in my introductory speech, I clearly stated the necessity for this Bill and gave an explanation how and why it was brought forward.

The District Development Council is constituted with the very idea of getting officials and non-officials together. The Council has to give advice for its proper functioning, and its advice is expected to be carried out.

Some of the hon. Members also criticised about the Collector being made the Chairman. To those Members I may say, Sir, that the Collector is now the head of the district and through him there will be more expeditious execution of work than at present. Further, we also feel that the Collectors are able and efficient and it is only for good that they are made the Chairmen of these Councils. The advice of responsible persons—Members of Legislature, Councillors and Members of Parliament—is expected to be the best in the matter. There was also reference to the appointment of Members of Parliament who were not here. Of course, they are not here always, they are away at Delhi representing us. Though they are away from us, they are also expected to know what is going on in the districts. That is why we have proposed to include the Members of Parliament also in the Council.

SRI K. BALASUBRAMANYA AYYAR : They may not attend.

* THE HON. SRIMATHI LOURDHAMMAL SIMON : We expect them to attend although it is not compulsory. But since they are made Members of the Council, it is their responsibility to attend and tender their advice.

DR. V. K. JOHN : They will not be sent to jail if they do not attend!

THE HON. SRI R. VENKATARAMAN : Dr. John may move that amendment.

DR. V. K. JOHN : That is my idea.

* THE HON. SRIMATHI LOURDHAMMAL SIMON : I may agree with the hon. the Leader of the Opposition that members of the district boards in olden days, said, ' கங்கருசாமி But I may also say that that time is already past and that we are now in a democratic age. We have our own responsibilities for the welfare of the country and the people also realise their responsibilities.

The hon. Member Sri T. Purushotham had a strong feeling or rather he was lamenting over the old district boards. The question of continuing the district boards was taken up twice last year and well discussed, rather thrashed out, in both the Houses and it is only after that that we came to this decision.

THE HON. SRI R. VENKATARAMAN : The hon. Member Sri Purushotham didn't have tears in his eyes.. (Laughter.)

5-10 p.m. * THE HON. SRIMATHI LOURDHAMMAL SIMON : I did not say that he was weeping. I said he was 'lamenting'. In fact, this is a subject which was taken up even last year. Dr. John has criticised this Bill and has said that in the place of the district boards, these Councils are thrust in. I do not, for a moment agree that this is a Bill brought in haste. I am sure that Members know that this subject was brought before both the Houses, referred to a Joint Committee, well scrutinised by that committee and that after that only this Bill is brought forward here.

Another Member said that this Development Council was only a replica of the old district board, and agreed that the district board members had no power. It is the wish of the Government that members of this Development Council should be given full power to give their valuable advice, which I hope, they will do with the best of intentions.

Again, criticism was made that the words 'panchayat' and 'panchayat union council' had been brought in without bringing in the Panchayats Bill. When this Development Councils Bill is brought forward here, Members say that the Panchayats Bill must be brought in first before bringing in this Bill here. Suppose the Government bring in that Bill first; a similar complaint will be made. For in that Bill there are references to the Development Councils Bill. Both Bills cannot come up simultaneously. Hon. Members said that it was like putting the cart before the horse. The cart is here and the bull is also here. It is our duty to see that we set them right for a smooth running. The hon. Member Sri T. G. Krishnamoorthy was paying glorious tributes to Russia. From here it looks deep rosy.

SRI T. G. KRISHNAMOORTHY : I was not giving tributes to Russia. I drew a limited parallel.

* THE HON. SRIMATHI LOURDHAMMAL SIMON : From your talk I could only gather that you were giving tributes to Russia. The idea of keeping power with the Government and not distributing it to these bodies is not correct. The hon. Member said that even a scavenger had more powers now. If he could be given that much of power, that only shows that power is actually distributed and not kept with the officers. The members are given power to give their advice. Power is well distributed. With his experience as President of the District Board, I think, Sri V. K. Palaniswamy Gounder was able to say much. He has rich experience in local administration, and he gave us suggestions out of practical experience.

All the points made by hon. Members were examined well. Members from the Council and the Assembly considered these points in detail. Members from all the parties were on the Committee and they discussed all these matters. It is only after a careful scrutiny that we have come forward with this Bill.

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I thank all the hon. Members who have given valuable suggestions. (Sri T. G. Krishnamoorthy : Which you are not going to accept.) I do not think it necessary to accept them.

MR. CHAIRMAN : I shall now put the amendment of Dr. A. Lakshmanaswami Mudaliar to the vote of the House. The question is—

'That the Madras District Development Councils Bill, 1958 (L.A. Bill No. 24 of 1958) be referred to a Select Committee.'

The amendment was put and declared lost.

A poll was demanded and the House divided thus—

Ayes.

Dr. A. Lakshmanaswami Mudaliar.
,, V. K. John.
Sri K. Balasubramanya Ayyar.
,, M. Patanjali Sastry.
,, V. V. Ramaswami.
,, T. P. Srinivasavaradan.
Sri Mohamed Raza Khan.
,, John Asirvatham.
Dr. A. Chidambaranathan.
Sri T. G. Krishnamoorthy.
,, L. S. Karayalar.
,, G. Krishnamoorthy.

Noes.

The Hon. Sri R. Venkataraman.
Sri T. Joghee Gowder.
,, V. S. Balasundaram.
,, T. Purushotham.
,, M. Ethirajalu.
,, P. S. Krishnaswamy Ayyangar.
,, A. M. Allapichai.
,, M. Seshachariar.
Dr. Mahomed Usman.
Sri S. R. P. Ponnuswami Chettiar.
,, K. V. Ramaswamy.
Sri N. Annamalai Pillai.
,, M. Subramania Karayalar.
,, B. K. Nallaswamy.
,, V. M. Surendram.
,, V. K. Palaniswamy Gounder.
,, Vidwan T. Muthukannappan.
,, S. P. Sivasubramanya Nadar.
,, A. Subramanyam.
,, T. Durairajan.
,, A. Somasundara Reddiar.

Neutral —Nil.

Ayes—12 ; *Noes*—21 ; *Neutral*—Nil.

The amendment was lost.

MR. CHAIRMAN : I now put the Government motion to the vote of the House. The question is—

'That the Madras District Development Councils Bill, 1958 (L.A. Bill No. 24 of 1958), as passed by the Legislative Assembly, be taken into consideration.'

The motion was put and carried.

MR. CHAIRMAN : The clause by clause consideration of the Bill will now be taken up.

DR. V. K. JOHN : Sir, I rise to a point of order. We are now at the stage 'That the Bill be taken into consideration.' Rule 129 of the Council Rules says—

'If the motion that the Bill be taken into consideration is carried, the Bill shall be taken into consideration, and the provisions of the rules of the Council regarding consideration of clauses of Bills and the amendments to such clauses and the subsequent procedure in regard to the passing of Bills shall apply.'.

Rule 109 says—

'When a motion has been agreed to by the Council that a Bill be taken into consideration, any member may propose an amendment of such Bill.'

When a motion 'That the Bill be taken into consideration' is carried, then the question of giving notice of amendments arises.

Rule 110 (1) says—

'Notice of a proposed amendment shall be sent to the Secretary at least three clear days before the sitting of the Council at which the Bill is to be considered'.

5-20 p.m. Of course, the motion 'That the Bill be taken into consideration' has been carried. But rule 136 of the Council Rules gives you some discretion. At least in this case, where there are so many defects in drafting, let us have an opportunity. I appeal to you to allow us time to move amendments to the Bill so that proper amendments may be moved. Sir, you have no power to ask us to bring an amendment before a Bill is moved for consideration and the motion is carried. So, we may be given three days' time for moving amendments.

MR. CHAIRMAN: Dr. John, I cannot agree with you. It is not a question of using my discretion in regard to this matter. Now that the motion for taking the Bill into consideration has been carried, I am going to take up the clauses. So, I do not allow the point of order raised by the hon. Member.

Clause 2.

MR. CHAIRMAN: The motion is—

"That clause 2 do stand part of the Bill".

SRI K. BALASUBRAMANYA AYYAR: Mr. Chairman, I move the following amendment:—

"For the existing sub-clause (4), substitute the following—

'(4) a person is deemed to have his "residence" or to "reside" in any house where he usually lives'."

Sir, this is a substantive amendment and not a verbal amendment. I do not want that any person should be allowed to remain in this advisory committee. Simply because a person uses a particular apartment in a particular area for sleeping, he cannot be made to remain in this committee. That is why I want to make it clear that only such a person who resides in the house usually should be allowed. Otherwise, he will be a person who will not be very much acquainted with the local conditions. It is not a question of our determining his right to be taxed or his right to reside there. All those things are not here. It is only a question

of our deciding whether a person is entitled to be a Member of the Development Council. A distinction should be made between a person who actually resides there and one who does not. So, I trust that this amendment will be accepted.

DR. V. K. JOHN. I second the amendment, Sir.

* THE HON. SRI R. VENKATARAMAN : Sir, I oppose the amendment. In the first place, the definition contained in this clause is one which has stood the test of time and has been in existence from the year 1919 when the City Municipal Act was passed and from 1920 when the District Municipalities Act was passed. Secondly, if we refer to the definition suggested by the hon. Member Sri Balasubramanya Ayyar, we will find that it comes under one of the logical fallacies which defines archdeacon as a person who performs archdeaconal functions. I am unable to accept the amendment.

MR. CHAIRMAN : I shall now put the amendment moved by Sri Balasubramanya Ayyar to the vote of the House. The question is—

" For the existing sub-clause (4), substitute the following—

' (4) a person is deemed to have his " residence " or to " reside " in any house where he usually lives '."

The amendment was put and lost.

Clause 2 was put and carried.

Clause 3.

MR. CHAIRMAN : The motion is—

' That clause 3 do stand part of the Bill '.

SRI P. S. KRISHNASWAMY AYYANGAR : Sir, I move—

" In sub-clause (3), for the existing items (i) and (ii), substitute the following as item (i) and renumber items (iii) and (iv) as items (ii) and (iii), respectively :—

' (i) exclude from any district, any local area comprised therein and constitute it into a district or include it in a district contiguous to it. ' "

SRI T. P. SRINIVASAVARADAN : I second the amendment, Sir.

* SRI P. S. KRISHNASWAMY AYYANGAR : Sir, sub-clause (3) of this clause confers powers upon the Government to exclude a particular local area from a district. Under item (i), it gives power to exclude the local area from any district. But, the subsequent item says that any particular area may be included in a district contiguous to it. When a particular area is detached

from a district, it is not detached in any playful manner. It is detached with a purpose, viz., to constitute it as a separate district or to include it in some other district. Therefore, the idea of exclusion from a particular district cannot stand alone. It should be tacked on to the idea of inclusion of the same in another district or should be tacked on to the idea of constituting it as a separate district. So, I suggest that items (i) and (ii) may be clubbed together. That is the purpose of my amendment. I request that the same may be accepted.

THE HON. SRI R. VENKATARAMAN: Sir, I am unable to accept this amendment. This clause has been accepted by the Assembly and it makes the intention very clear.

* SRI P. S. KRISHNASWAMY AYYANGAR: In that case, I unhesitatingly withdraw my amendment, Sir.

The amendment was, by leave, withdrawn.

Clause 3 was put and carried.

Clause 4.

MR. CHAIRMAN: The motion is—

'That clause 4 do stand part of the Bill'.

SRI K. BALASUBRAMANYA AYYAR: Sir, I move the following amendments—

"In sub-clause (2), for the word 'Chairman', substitute the word 'Convener'."

"Renumber sub-clauses (3) and (4) as sub-clauses (4) and (5) and before sub-clause (4) so renumbered, add the following:—

'(3) The Chairman shall be elected by the members of the District Development Council'."

DR. V. K. JOHN: I second the amendments, Sir.

SRI K. BALASUBRAMANYA AYYAR: In my amendment, I use the word 'convener' for the word 'Chairman'. The reason for my moving this amendment is this. The advisory body is composed of very experienced people. Members of Parliament, Members of the Legislature who represent their respective constituencies, the Chairmen of the Panchayat Union Councils in the districts, the Chairmen of Municipal Councils, Presidents of Co-operative Banks in the district and such Gazetted Officers who have got great experience in planning and execution of development schemes as are nominated by the Government.

SRI A. M. ALLAPICHAI: And also perhaps the Hon. Ministers, by virtue of their being the members of the constituencies which have elected them.

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SRI K. BALASUBRAMANYA AYYAR: Yes, probably so. That has not been put down here. So, I feel that the District Collector need not be the Chairman of this advisory body. When there are other Members of the Council who are very experienced and who can guide the deliberations of the Council with a great amount of tact, equanimity and so forth, it is not necessary that the Council should be presided over by the District Collector. After all, the executive and administrative functions of this advisory body have not been clearly defined by the Government. 5-30 p.m. It is, therefore, purely an advisory body. That being so, it will be in the fitness of things if it is presided over by experienced people who are also elected representatives. Some of the Municipal Chairmen or, for the matter of that, the Presidents of Co-operative Banks will be very old, experienced and competent people. Many of them are aged and experienced. Therefore, it is necessary that power should be given to the Collector to be the convener so that he may prepare the agenda and the notes thereon and place them before the meeting of the Council. In all these things, he could exercise full power. Let him be the convener and that is the best thing under the circumstances.

DR. MAHOMED USMAN: In the University, we have a rule that the convener should be the Chairman. In the University, if we appoint a Committee and say so and so will be the convener, he becomes the Chairman of the Committee.

SRI K. BALASUBRAMANYA AYYAR: It is not a rule. It is the convention. I myself have been one such. My point is that there should be an elected Chairman. So, there are two people here. Convener does not mean Chairman. He will be like the secretary to a committee. If you do not say anything about an elected Chairman and all that, then, I agree with Dr. Usman, he should be the Chairman.

THE HON. SRI R. VENKATARAMAN: I am unable to accept the amendments. We differ fundamentally in the concept of the Development Council and that is why there is a wide divergence of opinion. According to us, the Chairman, i.e., the District Collector, will have some very important executive functions. He will prepare not only the agenda of the meeting but also take note of the suggestions made, prepare the proceedings of the meeting and place the same before the Government. All these things have got to be done by a person who is responsible and the Collector of the district is the most responsible person that we can think of for this job. I do not accept the proposition that merely because a person is a Member of Parliament or Legislature, he should not function in a committee presided over by the Collector.

SRI K. BALASUBRAMANYA AYYAR: He said 'fundamentally'. Therefore, I have to press my amendment.

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THE HON. SRI R. VENKATARAMAN : Even otherwise, you would.

MR. CHAIRMAN : The question is—

" In sub-clause (2), for the word 'Chairman', substitute the word 'Convener'."

" Renumber sub-clauses (3) and (4) as sub-clauses (4) and (5) and before sub-clause (4) so renumbered, add the following :—

'(3) The Chairman shall be elected by the members of the District Development Council'."

The amendments were put and lost.

SRI K. BALASUBRAMANYA AYYAR : I gave two amendments, the second one relating to election of Chairman by the members.

THE HON. SRI R. VENKATARAMAN : When this is gone, the other one automatically goes. Anyway, both were put and lost.

SRI K. BALASUBRAMANYA AYYAR : That is all right. (Laughter.)

Clause 4 was put and carried.

Clause 5.

MR. CHAIRMAN : The motion is—

'That clause 5 do stand part of the Bill.'

SRI K. BALASUBRAMANYA AYYAR : Sir, I move the following amendment :—

" After sub-clause (2) (*d*), add the following as new sub-clause (2) (*e*) :—

'(*e*) The Government shall ordinarily act on advice tendered by the District Development Council'."

I am not moving the first portion of my amendment seeking to add 'Road transport' after item (iv) in sub-clause 2 (a). No explanation need be given. It is very clear. This Council should function properly and the advice given by it should ordinarily be accepted by the Government unless they see any special reason to the contrary and cannot accept the advice. This provision ought to be there for the purpose of giving the body a status, a purpose and a function.

DR. A. LAKSHMANASWAMI MUDALIAR : I second the amendment.

* THE HON. SRI R. VENKATARAMAN : I oppose the amendment. The decision is either binding or not binding. If it is not binding, better it is left to the Collector to accept those suggestions which are useful and reject those which are not. It may be a poor piece of legislation if we say that the Collector shall ordinarily accept the advice of the Council.

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SRI K. BALASUBRAMANYA AYYAR: It means Government and not Collector.

* THE HON. SRI R. VENKATARAMAN: I want to go step by step. I was in a little hurry. The advice of the Council is taken by the Collector and he forwards it to the Government. Therefore, when he forwards it, he will make his recommendation on it. It must be binding or not binding on the Government. There is no question of half-way house in a legislation. If there is a liability, say it is binding or impose a liability that it should be binding. There is no purpose in enacting that it shall be ordinarily binding.

MR. CHAIRMAN: The question is—

"After sub-clause (2) (*d*), add the following as new sub-clause (2) (*e*)—

'(*e*) The Government shall ordinarily act on advice tendered by the District Development Council'."

The amendment was put and lost.

Clause 5 was put and carried.

Clauses 6 and 7 were put and carried.

Clause 8.

MR. CHAIRMAN: The motion is—

'That clause 8 do stand part of the Bill.'

DR. A. CHIDAMBARANATHAN: Sir, I move the following amendments:—

"In sub-clause (1) (a), omit the words 'may and if so required by the Government'."

"In the first proviso to sub-clause (3), for the words 'a member', substitute the words 'the Chairman'."

"In sub-clause (7) for the words 'each year' substitute the words 'two years' and for the word 'year' wherever it occurs in the remaining part, substitute the word 'period'."

SRI T. G. KRISHNAMOORTHY: I second the amendments.

* DR. A. CHIDAMBARANATHAN: In regard to the composition of standing committees, it is stated in clause 8 (1) (a), 'A District Development Council may, and if so required by the Government shall, constitute standing committees for dealing with Food and Agriculture, Industries and Labour, Public Works, Education, Health and Welfare including Prohibition.' All these subjects are enumerated in clause 5 (2) (a) and it has been made obligatory on the part of the District Development Council to discuss and advise on these matters. Therefore, there cannot be any doubt in regard to constitution of standing committees in regard to these subjects. But in regard to other subjects, there may be some doubt or difficulty in the matter. In fact, the Bill

as it was placed before the Assembly was in a different form. It is now so shaped as to give the Councils the power to constitute new standing committees without reference to Government. This is what is found in clause 8 (b) which says that the District Development Council may constitute additional standing committees for such purposes as it thinks fit. Here the powers are discretionary But in regard to the primary committees, essential committees, there is no question of 'may'. We must insist on every District Development Council to constitute standing committees in regard to the subjects enumerated in clauses 5 and 8 (1) (a). My first amendment seeks to ensure only this.

In regard to my second amendment, I must say a word. Provision has been made in the same clause for official members to continue on more than one standing committee. In regard to officers appointed by the Government, it is open to them to nominate the same person to more than one standing committee. My amendment says, it should be open to the non-officials also, if it is possible for them to serve, to be on more than one standing committee. They should be made eligible to serve on more such committees than one. If there are members of this House on such committees by virtue of their being Members of the Legislature, they should have the option and the facility to do so. But I have taken care to provide in my amendment that the same person shall not be Chairman of more than one standing committee, for the duties of the Chairman of a standing committee are more onerous. Whereas we should insist on a member not becoming Chairman of more than one committee, it seems to me that we should not similarly insist in regard to members of the committees.

5-40 p.m. According to sub-clause (7), membership of the Council will change from year to year. I want it to be changed as once in two years. I think Members, if they serve on standing committees for one year only and get away at the end of the year, would not be in a position to contribute much to the proceedings of the committee. A person who has gained experience on a standing committee in the course of the year ought to be made eligible to serve for two years at least. I am insisting on a term of at least two years. I may go to the length of asking for a term of three or more years for the members. But I wanted to strike a middle course and I had put it down in the amendment as two years. The amendment for the substitution of the word 'year' by the word 'period' is only consequential.

I, therefore, commend all the amendments for the acceptance of the House.

* THE HON. SRI R. VENKATARAMAN : Sir, I oppose all the amendments moved by the hon. Member. In the first place, Government want to give the discretion to the District Development Council to have either all or any of the committees. It is left to the Council to have three or four committees at a time and then go on adding to them later on. It is not right to impose an

obligation on them to appoint all the committees all at once. If the Government feel that the Development Council has failed to appoint a committee, the Government have reserved the power to direct the Council to have such a committee. If an important committee like the agricultural committee is not constituted, certainly the Government would use their power and see that such a committee is constituted. Therefore, I am unable to accept the first amendment.

Then, the second amendment is with regard to membership. It is said that officials are allowed to be members of more than one committee while non-officials have to be members of one committee only. That has been put in advisedly. The number of officials available for work in all the committees is not large. Naturally Government have to employ them on more than one committee to get their assistance. But the idea of having several committees of the Development Council is to afford opportunities to the members to be able to be on one committee at least. If persons try to be on more than one committee, there would be a clamour and it would be difficult to find places for other members. Sometimes I have known occasions when some members were functioning on more than one committee and many Members had not had the opportunity of serving on any committee at all. Therefore, it is with the idea of giving every member an opportunity of serving on a committee that we have prevented the idea of one member monopolising all places in all committees.

This third amendment deals with the term of office of the members. Every year the members will be elected to the committees. The person who has done good work in the committee during the previous year will be re-elected to the committee. I do not see how it is prevented. It is unnecessary to have a term of two years. It is good to have annual elections to these committees so that there may be an annual assessment of the work done by the members on the committees. Therefore, I am unable to accept this amendment also, Sir.

Mr. CHAIRMAN : Is the hon. Member pressing his amendments?

Dr. A. CHIDAMBARANATHAN : Yes, Sir.

Mr. CHAIRMAN : I will put all the amendments together. The question is—

(1) I sub-clause (1) (*a*), omit the words 'may and if so required by the Government'.

(2) In the first proviso to sub-clause (3), for the words a member', substitute the words 'the Chairman'.

(3) In sub-clause (7), for the words 'each year' substitute the words 'two years' and for the word 'year' wherever it occurs in the remaining part, substitute the word 'period'.

The amendments were put and lost.

Clause 8 was put and carried.

Clause 9.

MR. CHAIRMAN : The motion is—

'That clause 9 do stand part of the Bill'.

DR. A. CHIDAMBARANATHAN : Mr. Chairman, Sir, I move the following amendments :—

"In clause 9, for the words 'to efficiently perform', substitute the words 'efficiently to perform'

and

After the words 'think fit' and before the words 'and determine' insert the words 'from among persons selected by the Madras Public Service Commission'."

The amendments were duly seconded by Mr. John Asirvatham.

* DR. A. CHIDAMBARANATHAN : Mr. Chairman, Sir, this clause deals with the appointment of officers under the auspices of the District Development Councils. These appointments are intended to be made by the District Collector. Of course, we have got the Public Service Commission to select personnel for various jobs in the State Service. Even when the Commission is entrusted with the work of selecting personnel for ministerial jobs, I fail to understand how the District Collector could be empowered to appoint officers, not merely ministerial staff but gazetted or non-gazetted officers without reference to the Public Service Commission. I am conscious of the fact that it is open to the Government to make rules in regard to the manner of recruitment of the officers of a District Development Council and the terms and conditions of service of such officers under clause 14 (2) (e). Later on, it is possible for the Government to make it obligatory that unless the officers are chosen by the Commission, the District Collector will not make these appointments. I am conscious of that fact. But I would like to know, since that has not been made specific, whether that will be adhered to, or in the absence of such a specific provision, the Collector will be automatically empowered to make the appointments of these officers without reference to the Commission. I am of the view that even though we have full confidence in the integrity and capacity of the concerned Collectors of districts, that is a serious matter of which we should take note, because the Collector is being empowered to make appointments of officers, not merely clerks, peons and labourers. I am thinking in terms such as that for the whole State there must be a selection of a panel of personnel required for these Councils by the Public Service Commission from which the District Collectors may choose probably with prior reference to Government. Persons thus selected by the Commission for either the gazetted or non-gazetted post and appointed in one district may have the opportunity, the option, the will to go from district to district. We should have facilities for such transfers of good officers from one district to another. We should not confine them to one district or the other. This

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should be done on a State basis and not on the district basis. Therefore, I am of the view that unless the whole thing is referred to the Public Service Commission and recruitment made from among the persons selected by the Commission, these things would not go well. So, I commend my amendment for the acceptance of the Hon. Minister, if possible.

* THE HON. SRI R. VENKATARAMAN : Mr. Chairman, Sir, I oppose this amendment. Merely a provision that a person should be recruited by the Commission does not secure the services of excellent people. The idea which the Government have at present is to appoint fairly experienced officers to these posts to help the Development Councils. Merely the fact that the selections are made by the Commission will not ensure that senior and able officers will be obtained for the work of the Council. The question now is this. Have you confidence in the Government that they want to get along with this or not? If you think we are serious about these Development Councils and we are intent upon getting the best out of them, then you must rely on the Government that they will put the best men in charge of these to carry out the objects. I do not think anybody would accuse us of not having the best of intentions to give the Development Councils the best trial and see that they serve the people.

MR. CHAIRMAN : The question is—

" In clause 9, for the words ' to efficiently perform ', substitute the words ' efficiently to perform ', and

" After the words ' think fit ' and before the words ' and determine ' insert the words ' from among persons selected by the Madras Public Service Commission '."

The amendments were put and lost.

Clause 9 was put and carried.

Clauses 10 to 13 were put and carried.

Clause 14.

MR. CHAIRMAN : The motion is—

" **That clause 14 do stand part of the Bill** ".

SRI K. BALASUBRAMANYA AYYAR : Mr. Chairman, I move the following amendment :—

" In sub-clause (3), after the words ' Legislative Assembly ' and before the word ' may ', insert the words ' or the Legislative Council '."

The amendment was duly seconded.

SRI K. BALASUBRAMANYA AYYAR : Mr. Chairman, Sir, according to me, this is a very important amendment, and I am pressing it with all earnestness. In respect of this particular Bill, this amendment is very important and all rules and notifications which are issued by the Government should also, not only

be placed on the table of both the Houses but be subject to modifications, amendments and alterations by both the Houses. Not merely the rules but also the notifications should be placed on the table of both the Houses because notifications are concerned with changes in area, alteration in names of districts and so on. Just as the Members of the Assembly are interested in these, so the Members of the Council also who are to be the Members of the Development Councils are deeply interested in these rules and notifications. Therefore, in this particular case, if not in any other, the rules and notifications should be placed on the table of both the Houses and be subject to amendment, alteration or modification. Myself and the hon. Member Sri T. Purushotham have always been feeling that this discrimination is made against the Legislative Council. It was stated, on behalf of the Government, that if this were to be done, the work of rule-making would suffer. I do not know how it will suffer by placing them before both the Houses. In this particular case, I strongly urge that the power should be given to the Legislative Council also to amend, modify and repeal any of the rules and notifications placed before it.

5-50 p.m. * SRI T. PURUSHOTHAM : Sir, I second the amendment proposed by the hon. Member Sri K. Balasubramanya Ayyar. As he said, I have always been pressing for such an amendment in the case of all Bills. Even in Bills passed by the Parliament you will find that there is a provision with regard to rule-making power that notifications should not only be placed before both the Houses but that they should be subject to revision by both the Houses. Last time I quoted a number of Parliamentary enactments in this connexion and said that the same procedure must be adopted with regard to legislation in this State also. I request the Hon. Minister to consider this aspect. Though this amendment may not be accepted, I would urge him to kindly examine this and see that in all future Bills the model that is being adopted by the Parliament is followed here.

* THE HON. SRI R. VENKATARAMAN : Mr. Chairman, I oppose this amendment. The pattern of legislation which we have followed in this Legislature is that rules and notifications made shall be placed before the Legislative Assembly and be subject to such modifications as may be made by it within the time prescribed. This is a recommendation of the Committee on Subordinate Legislation which has been accepted by us and has been put into force and followed for a considerable time now. Secondly, however eminent we may be, we must realise that the sovereignty in the country rests with the people and that the representatives of the people who are elected to the Assembly are certainly the persons who have the right to make these modifications.

SRI K. BALASUBRAMANYA AYYAR : Sir, most of us have been elected by the Assembly. Many of them, I take it, are the representatives of the people. The representatives of the people have elected these Members and some of us have been elected by the

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Graduates and teachers in the State. Therefore, I regard this particular reason given by the Hon. Minister as a slur on this House. I strongly object to it. We represent as much the intelligentsia of the people and also the poor people as any Member of the Assembly. Therefore, I press this amendment and I ask for a division.

* THE HON. SRI R. VENKATARAMAN : I want to make a personal explanation, Sir. I stated the principle. The principle which has been accepted is that the people who are elected to the Assemblies and the Lok Sabha are the persons who are directly representing the people, that is, the persons in whom the sovereignty in this country rests. I did not cast any slur on anybody.

SRI K. BALASUBRAMANYA AYYAR : As a Member of this House.

SRI T. G. KRISHNAMOORTHY : The Hon. Minister has added insult to injury by his explanation.

MR. CHAIRMAN : Before I put the amendment to vote, I would like to make a statement. Whoever is elected to the Assembly or the Council is elected by a certain constituency. But once he is elected to the Assembly or the Council, he represents the whole State.

I shall now put the amendment to the vote of the House. The question is—

'In sub-clause (3), after the words "Legislative Assembly" and before the word "may", insert the words "or the Legislative Council".'

The amendment was put and declared lost.

Sri K. Balasubramanya Ayyar demanded a poll and the House divided thus—

Ayes.

Sri V. V. Ramaswami.
,, T. P. Srinivasavaradan.
Dr. A. Chidambaranathan.
Dr. A. Lakshmanaswami Mudaliar.
Sri K. Balasubramanya Ayyar.
,, M. Patanjali Sastry.
Sri Mohamed Raza Khan.
,, John Asirvatham.
,, T. G. Krishnamoorthy.
,, L. S. Karayalar.
,, G. Krishnamoorthy.

Noes.

The Hon. Sri R. Venkataraman.
Sri V. S. Balasundaram.
,, A. M. Allapichai.
,, M. Seshachariar.
Dr. Mahomed Usman.
Sri M. Ethirajalu.
,, S. R. P. Ponnuswami Chettiar.
,, T. Joghee Gowder.
,, P. S. Krishnaswamy Ayyangar.
,, T. Purushotham.
,, A. Somasundara Reddiar.
Sri K. V. Ramaswamy.
,, M. Subramania Karayalar.
,, B. K. Nallaswami.
Vidwan T. Muthukannappan.
Sri T. Durairaj.
,, V. M. Surendram.
,, V. K. Palaniswamy Gounder.
,, S. P. Sivasubramanya Nadar,
,, A. Subramanyam.
,, N. Annamalai Pillai,

Neutral—Nil.

Ayes—11. *Noes*—21. *Neutral*—*Nil.*

The amendment was lost.

Clause 14 was put and carried.

Clause 1 and the Preamble were put and carried.

THE HON. SRIMATHI LOURDHAMMAL SIMON: Sir, I move—

'That the Madras District Development Councils Bill, 1958 (L.A. Bill No. 24 of 1958), as passed by the Legislative Assembly, be passed.'

MR. CHAIRMAN: Motion moved—

'That the Madras District Development Councils Bill, 1958 (L.A. Bill No. 24 of 1958), as passed by the Legislative Assembly, be passed.'

* SRI A. M. ALLAPICHAI: Sir, I must make one suggestion and that is with reference to the constitution of these Councils. There are Members of Parliament and Chairmen of Municipalities. What I wish to impress upon the Government is that on this body there must be also special interests represented like women because as things stand, if we do not make some such provision, it will be very difficult for them to get into those bodies. I am positively sure that in these District Development Councils there would not be any women unless there is such a provision. Then, with reference to these special interests, in the case of minorities also, I want some such provision to be made. It is not because these minorities do some wonderful work or any such thing. But it will create some kind of confidence because supposing on a committee like this at the district level there are not members representing certain special interests like the Muslims or the Christians, I think it would not be healthy. Sometimes the Governor nominates Members to our Council. There is nothing degrading in that. Our President nominates Members to the Rajya Sabha. There is nothing wrong in that. Therefore, I want the Hon. Minister to bear this in mind. I am making this plea as a Congressman and as one who is interested in the welfare of my country.

DR. A. LAKSHMANASWAMI MUDALIAR: Sir, I congratulate the Government on their pyrrhic victory this evening. It is one of the most exciting evenings that I have experienced on the floor of the House. But when the joy of it has subsided, I hope they will have some time to calmly think over all the positions that they have taken. It was a chorus of disapproving every single amendment and I only hope that this Bill, although it will be passed, will be kept in abeyance for as long a time as possible like many other Bills which are only on the statute-book but have not been brought into operation.

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MR. CHAIRMAN : The question is—

'That the Madras District Development Councils Bill, 1958 (L.A. Bill No. 24 of 1958), as passed by the Legislative Assembly, be passed.'

The motion was put and carried and the Bill was passed

MR. CHAIRMAN : The House will now adjourn and meet again at 3 p.m. to-morrow.

The House then adjourned.

IV.—PAPERS LAID ON THE TABLE OF THE HOUSE.

143. *Notification issued with G.O. Ms. No. 2340, Public (Services-A), dated 22nd August 1958, amending the Madras Public Service Commission Regulations so as to exclude the post of the Superintendent, Government Estate, from the Commission's purview [Laid on the table of the House under Article 320 (5) of the Constitution of India].*

* 144. *Notification issued with G.O. Ms. No. 1841, Home, dated the 1st July 1958, issuing licence in the form specified in the annexure for possession and issue of liquor by the Manager, Canteen Stores Department (India), Canteen Retail and Bulk Issue Depot, Fort St. George, Madras, to Military Contractors or Officers of Canteen Stores Department (India). [Laid on the table of the House under section 54 (3) of the Madras Prohibition Act, 1937 (Madras Act X of 1937).]*

Bill passed by the Assembly and received therefrom in the Council :

† The Madras City Municipal (Amendment) Bill, 1958 (L.A. Bill No. 28 of 1958).

* Laid on the table of the House on 11th September 1958.

† Sent by Special Messengers on 10th September 1958.

Appendix I.

[Vide answer to starred question No. 18 asked by Sri T. Purushothem at the meeting of the Legislature Council held on 12th September 1958, page 182 supra.]

A.—(*a*) A stray case of cholera occurred in the Vaigai Reservoir Project area during the last week of January 1958. One Subbiah Asari, aged about 30 years, working in the Quarry site No. 1 had an attack of cholera on 27th January 1958 and died on the following day, 28th January 1958, at the isolation shed itself when undergoing medical treatment given by the Civil Assistant Surgeon of the Project. Cholera was never prevalent in an epidemic form in the camp area.

(*b*) *Steps taken to protect workmen from attacks of cholera, smallpox, etc., in Project camps.*—(i) As cholera is a water and food borne disease, minute attention regarding the purity of these items is being paid throughout the year. Effective chlorination is being done every day by the Health staff of the project to ensure protected water-supply.

(ii) *Protection of food.*—All the eating places such as coffee hotels, tea stalls, etc., are being inspected by the Project Health staff every now and then for enforcing all sanitary conditions in order to maintain the food and premises in good sanitary order. Hawkers, selling food exposed to dust and flies, are not allowed within the camp area.

(iii) *Improvement of general sanitation.*—In addition to the above, the whole residential area particularly that of the labourers is being kept neat and clean. All the fly breeding places are detected and treated for destruction. Nuisance in this regard has been eradicated. All places soiled with urine and faeces are being thoroughly disinfected with cresol, bleaching powder and lime.

(iv) *Preventive inoculation.*—Anticipatory anti-cholera inoculations are also being done for the residents of the camp area. During the year 1958, i.e., before the occurrence of the stray case of cholera, 1,570 anti-cholera inoculations were given within twenty-six days as an anticipatory measure by the Project Health staff. Similarly for preventing smallpox, vaccination or re-vaccination are being done periodically whenever necessary.

(*c*) *Arrangements made for treatment of cases suffering from infectious diseases.*—(i) There is a Civil Assistant Surgeon with medical staff to attend to the medical needs all the twenty-four hours and there is a hospital with four beds.

(ii) *Isolation shed.*—An isolation shed is put up in an easily accessible place. Cases suffering from infectious diseases are removed to this place for medical treatment by the Civil Assistant

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Surgeon of the Project. As this shed is very near to the Project Hospital, frequent visits of the Medical Officer are possible in connexion with the medical treatment of the cases.

(iii) *Ambulance van.*—An Ambulance van is available for the Project Hospital. This is being made use of in removing cases from their dwelling places to the isolation shed.

(iv) *Medicines and disinfectants.*—Adequate quantity of medicines and disinfectants are stocked by the Health Inspector of the Project for the epidemic work. Sufficient stock of medicines is also kept by the Medical Officer in the Project Hospital for treatment of urgent epidemic cases. Both the Health staff and Medical staff stationed in the project area are available all the twenty-four hours to attend to such epidemic cases.

In addition, the District Medical Officer, Madurai, also visits the place and checks up the work done by the Health staff and sanitary arrangements, etc.

APPENDIX II.

[Vide item III on page 183 supra.]

L.A. BILL No. 24 OF 1958.

(As passed by the Assembly.)

A Bill to provide for the constitution of District Development Councils in the State of Madras.

WHEREAS it is expedient to provide for the constitution of District Development Councils in the State of Madras;

BE it enacted in the Ninth Year of the Republic of India as follows :—

1. *Short title, extent and commencement.*—(1) This Act may be called the Madras District Development Councils Act, 1958.

(2) It extends to the whole of the State of Madras.

(3) It shall come into force on such date as the Government may, by notification, appoint.

2. *Definitions.*—In this Act, unless the context otherwise requires—

(1) " district " means the revenue district referred to in sub-section (1) of section 3 or the local area constituted into a district under sub-section (2) of that section as altered by the notifications, if any, issued under sub-section (3) of the same section;

(2) " Government " means the State Government;

(3) " panchayat " and " panchayat union council " have the meanings assigned to them under the law for the time being in force relating to their constitution;

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(4) a person is deemed to have his "residence" or to "reside" in any house if he sometimes uses any portion thereof as a sleeping apartment, and a person is not deemed to cease to reside in any such house merely because he is absent from it or has elsewhere another dwelling in which he resides, if he is at liberty to return to such house at any time and has not abandoned his intention of returning;

(5) "revenue district" means any local area which for the purposes of revenue administration is under the charge of a District Collector;

(6) "year" means the financial year.

3. *Districts.*—(1) Save as otherwise provided in this section, every local area which on the date of the commencement of this Act is a revenue district shall be deemed to be a district for the purposes of this Act.

(2) The Government may, in special circumstances, by notification, declare any compact local area in a revenue district or in more than one revenue district, to be a district for the purposes of this Act and specify the name of the district.

(3) The Government may, by notification,—

(i) exclude from any district any local area comprised therein; or

(ii) include in any district any local area contiguous to it: or

(iii) cancel or modify a notification issued under sub-section (2); or

(iv) alter the name of any district.

(4) Before issuing a notification under sub-section (2) or sub-section (3), the Government shall give the District Development Council or District Development Councils which will be affected by the issue of such notification a reasonable opportunity for showing cause against the proposal and consider the explanations and objections, if any, of such District Development Council or District Development Councils.

(5) Every notification issued under sub-section (2) or sub-section (3) shall contain a statement of the reasons therefor.

4. *Establishment of District Development Councils.*—(1) The Government may, by notification and with effect from such date as may be specified therein, cause to be established for any district a District Development Council consisting of the following members, namely :—

(*a*) The District Collector, *ex-officio*;

(*b*) Members of Parliament and Members of the State Legislature chosen to represent a constituency which consists of, or comprises, or which relates to, the district or any portion thereof or who reside in the district;

(*c*) all chairmen of panchayat union councils in the district and until a panchayat union council is constituted for any local area in the district, a person chosen in the prescribed manner by the presidents of panchayats in that area :

Provided that no person shall be so chosen unless his name appears in the electoral roll for any of the panchayats in the area;

(*d*) all chairmen of municipal councils in the district;

(*e*) presidents of Co-operative Central Banks in the district;

(*f*) such Gazetted Officers of the Government connected with planning and execution of development schemes in the district as are nominated by the Government.

If the district comprises parts of two or more revenue districts, the Government may, by notification, declare which officer shall be considered to be the District Collector in respect of that district for the purposes of this Act.

(2) The District Collector referred to in sub-section (1) shall be the Chairman of the District Development Council.

(3) (*a*) No Member of Parliament and no Member of a State Legislature shall be a member of more than one District Development Council.

(*b*) A Member of Parliament or a Member of the State Legislature chosen to represent a constituency which consists of, or comprises or which relates to a district or any portion thereof other than a district in which he has his residence shall decide as to the district in which he desires to serve as a Member of the District Development Council and intimate his decision to the District Collector concerned within such period as may be prescribed.

(4) Where a person ceases to be a Member of Parliament or a Member of the State Legislature or the chairman of a panchayat union council or President of a Co-operative Central Bank or the chairman of a municipal council in the district, he shall cease to be a member of the District Development Council from the date on which he ceases to be such member or chairman or President.

5. *Functions of District Development Councils.*—(1) The District Development Council shall advise the Government on all matters concerning the activities of panchayats, panchayat union councils and municipal councils in the district, as well as on all matters relating to the development of the economic resources of the district and the services maintained therein for promoting the culture and welfare of the inhabitants of the district.

(2) In particular, it shall be the duty of the District Development Council to perform the following functions, namely :—

(*a*) advising the Government on all matters relating to the services maintained by and all development schemes undertaken by all local authorities in the district as well as those agencies in the district, which are under the administrative control of the Government in the following departments, namely :—

(i) Food and Agriculture,

(ii) Industries, Labour and Co-operation,

(iii) Public Works, and

(iv) Health, Education and Local Administration;

(b) watching the progress of the measures undertaken by the Government, local authorities and departmental agencies in respect of the services and development schemes aforesaid;

(c) advising the Government on matters concerning the implementation of any provision of law or any order specifically referred by the Government to the District Development Council, such as—

(i) classification of markets as panchayat markets and panchayat union markets and fixing rates of contribution payable by one authority to the other;

(ii) classification of fairs and festivals as panchayat fairs, panchayat festivals and panchayat union fairs and panchayat union festivals;

(iii) classification of public roads (other than roads classified by the Government as National Highways, State Highways and major district road) as panchayat union roads and village roads.

(d) advising the Government on all matters relating to development of road transport.

6. *Meetings of District Development Council.*—(1) The District Development Council may meet as often as may be necessary and shall, subject to the provisions of sub-sections (2) and (3), observe such rules of procedure in regard to transaction of business at its meetings (including the quorum at meetings) as may be prescribed by the Government under this Act; provided that not more than three months shall elapse between one meeting of the District Development Council and another.

(2) The Chairman of the District Development Council or in his absence any member nominated by him in that behalf shall preside at a meeting of the District Development Council.

(3) All questions at a meeting of the District Development Council shall be decided by a majority of the votes of the members present and voting and in the case of an equality of votes, the Chairman of the District Development Council, or in his absence the person presiding, shall have a second or casting vote :

Provided that a member of the District Development Council who is an Officer of the Government shall have a right to take part in the discussions, but shall not have a right to vote at a meeting of the Council, and shall not be a member of the Council for any other purpose.

7. *Vacancy in District Development Council, etc., not to invalidate acts or proceedings.*—No Act or proceeding of the District Development Council shall be deemed to be invalid by reason only of the existence of any vacancy in the District Development Council or any defect in the nomination of a member thereto.

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8. *Appointment of Standing Committees.*—(1) (*a*) For the purpose of assisting the District Development Council in exercising such of its powers, discharging such of its duties and performing such of its functions as may be specified by the Government, a District Development Council may, and if so required by the Government shall, constitute standing committees for dealing with—

(i) Food and Agriculture,

(ii) Industries and Labour,

(iii) Public Works,

(iv) Education,

(v) Health and Welfare including prohibition.

(*b*) A District Development Council may constitute additional standing committees for such purposes as the District Development Council thinks fit.

(2) Each standing committee referred to in sub-section (1) shall consist of such number of Gazetted Officers of the Government as are nominated by the Government from out of the members of the District Development Council :

Provided that it shall be open to the Government to nominate the same person to more than one standing committee.

(3) The other members of the District Development Council shall be chosen to the standing committee in such manner as may be prescribed :

Provided that the same person shall not be a member of more than one standing committee :

Provided further that it shall be open to a person who has been chosen as a member of one standing committee to opt to serve as a member of another standing committee in the place of a member of such committee with the consent of such other member and for such period as may be mutually agreed upon.

(4) In addition to the members nominated under sub-section (2) or chosen under sub-section (3), the Government may appoint as a member of a standing committee any person, who in their opinion possesses special knowledge and experience in matters that may come up before the District Development Council, although he is not a member of the District Development Council, or the District Development Council may invite any such person to serve as a member of a standing committee :

Provided that the number of members so appointed by the Government shall not exceed two in respect of any standing committee.

(5) The members of a standing committee who are not members of the District Development Council shall have the right to attend the meetings of the standing committee and take part in the discussions thereat but they shall not have the right to vote at such meetings.

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(6) Each standing committee shall elect its own chairman from among its members who are members of the District Development Council.

(7) The members of the standing committee nominated, chosen or appointed as the case may be under this section shall cease to hold office at the end of each year and the members of the standing committee for the ensuing year shall be nominated, chosen or appointed as the case may be before the expiry of the year but shall not enter upon office until the commencement of the ensuing year.

(8) The District Development Council shall lay down by regulations the procedure for the functioning of the standing committees.

9. *Staff of District Development Council.*—Subject to such control as may be prescribed, the District Collector may, for the purpose of enabling the District Development Council to efficiently perform its functions or exercise its powers under this Act, appoint such officers as he may think fit and determine their functions.

10. *General powers of District Development Councils.*—For the purpose of efficiently performing its functions under this Act, every District Development Council may, within the limits of its jurisdiction—

(*a*) undertake such measures as it deems necessary;

(*b*) collect such data as it deems necessary;

(*c*) publish statistics or other information relating to the various aspects of the regulation or development of the activities of municipal councils, panchayat union councils and panchayats in the district.

(*d*) require any municipal council, panchayat union council or panchayat to furnish such information as may be required by it in relation to the measures undertaken by the municipal council, panchayat union council or panchayat for the regulation or development of its activities and such other matters as may be prescribed.

11. *Annual report.*—(1) The District Development Council shall prepare in such form and at such time each year as may be prescribed, an annual report giving a true and full account of its activities during the previous year and copies thereof shall be forwarded to the Government.

(2) The Government shall lay on the table of both Houses of the Legislature all such reports together with their comments thereon.

12. *Returns and Reports.*—Every District Development Council shall furnish to the Government such returns, statistics, and other information with respect to its activities as the Government may from time to time require.

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13. *Protection of action taken in good faith.*—No suit or other legal proceeding shall lie against any member or officer of a District Development Council or of any standing committee in respect of anything which is in good faith done or intended to be done in pursuance of this Act.

14. *Power to make rules.*—(1) The Government may, by notification, make rules to carry out the purposes of this Act.

(2) In particular, and without prejudice to the generality of the foregoing powers, such rules may provide for all or any of the following matters, namely :—

(*a*) the allowances of members of the District Development Council;

(*b*) the matters in respect of which a District Development Council may require a municipal council, panchayat union council or panchayat to furnish information;

(*c*) the form in which, and the time within which, the annual report of the District Development Council may be prepared and forwarded to the Government.

(*d*) the returns and information which a District Development Council may be required to furnish to the Government;

(*e*) the manner of recruitment of the officers of a District Development Council and the terms and conditions of service of such officers;

(*f*) regulating the meetings of the District Development Council and the procedure for conducting meetings thereat;

(*g*) regulating the manner in which and the purposes for which, standing committees may be appointed;

(*h*) any other matter which has to be or may be, prescribed.

(3) All rules made and all notifications issued under this Act, shall, as soon as possible after they are made, be placed on the table of both Houses of the Legislature and shall be subject to such modifications by way of amendments or repeal as the Legislative Assembly may make within fourteen days on which the House actually sits either in the same session or in more than one session.


தமிழ்நாடு சட்டமன்றப் பேரவை
TAMIL NADU LEGISLATIVE ASSEMBLY
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TRUTH ALONE TRIUMPHS